

Mr. Rick Keigwin
U.S. Environmental Protection Agency
Office of Pesticide Programs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

December 17, 2018

Dear Mr. Keigwin:

On behalf of the Association of American Pesticide Control Officials (AAPCO), I wish to extend the Association's concerns regarding delays by EPA to provide State Lead Pesticide Agencies (SLAs) with adequate guidance and understanding of how to implement the revised national pesticide applicator certification rule (the Rule). As you know, AAPCO represents all SLAs with which the U.S. EPA has cooperative agreements to administer and enforce the Federal Pesticide, Fungicide and Rodenticide Act (FIFRA). We appreciate the partnership with the U.S. Environmental Protection Agency (EPA) and value the opportunity to provide open communication and feedback on current issues.

AAPCO established a work group to serve as a conduit between SLAs and EPA for the Rule and assist pesticide regulatory officials as they assess possible changes to their current plans, and formally revise their State Certification Plans (Plan). The work done by the AAPCO Certification Rule Work Group thus far has found that nearly all SLAs will be required to revise their Plans, and many need to revise state laws and regulations to support the changes.

SLAs have communicated to the AAPCO Certification Rule Work Group that they need a considerable amount of assistance from the Agency to ensure the changes they make are acceptable before the March 4, 2020 deadline. While SLAs have been assured by EPA staff that there will be ample time for negotiations after State Plans are submitted, many states feel they will be unable to even start drafting those revisions until after state laws and regulations are made.

In many states, changes to federally delegated programs such as the applicator certification program require the State to promulgate new or revise current state laws and regulations. For some of our members, those laws and regulations must be promulgated or revised before the SLA is allowed to submit the revised Plan to EPA, since the SLA will not know the impacts of new or revised laws and regulations to their existing programs until they are final. Comments submitted to the Rule's public docket by AAPCO and some SLAs indicated this situation was the primary reason for SLAs requesting an extension to the implementation timeline of the proposed Rule.

The reality of the current situation is that the longer EPA delays releasing written guidance, or answers to the questions SLAs have submitted to the Agency, the greater the potential some SLAs have of missing the March 4, 2020 deadline. As the deadline is fast approaching, it is imperative that written guidance is made available to states, tribes and territories to ensure successful and timely implementation of the amended federal rule.

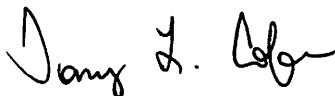
AAPCO is asking EPA to make the following Certification and Training (C&T) resources a priority:

1. Question and answer documents addressing comments/concerns from states.
2. A side-by-side comparison document clearly delineating critical elements of the old rule with the new rule, and a bullet-point list of new requirements.
3. Template or model for state C&T plans
4. Detailed overview of the process for EPA's approval of state C&T plans; to include whom the plans will be submitted to, how states will receive feedback, the expectation once the plan is approved, continuity and how CPARD will be utilized.

In closing, I want to reiterate the urgency AAPCO feels this situation merits. Without detailed written answers to the many questions SLAs have regarding the final Rule, States are unable to move forward with national implementation of the final Rule. The closer States get to the final submission deadline, the greater the potential for inconsistent implementation of a reasonable and effective national pesticide applicator certification program (one of the key goals identified in the preamble of the proposed and final Rule).

EPA's delays for requested materials have placed an unacceptable burden on the resources of state lead agencies. I respectfully ask that you make the strongest possible case to senior administrators at EPA to expedite the requested written documents and guidances, which will then enable SLAs to initiate work on revising state certification plans.

Sincerely,



Tony L. Cofer, President

CC: Dr. Barbara Glenn, Association of State Departments of Agriculture National (NASDA)
Irene King, Association of Structural Pest Control Officials (ASPCRO)