

Update on Certification Plans

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AAPCO's 73rd Annual Meeting

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Outline

- Certification Rule dates
- EPA review process
- Certification plan review dates and status
- Tracking certification plan reviews
- HQ/Regional coordination
- Applicator certification in Indian country
- Pesticide Applicator Certification & Training meeting
- Q&As



Certification Rule* Dates

- Modified certification plans were due to EPA by **March 4, 2020**
- **Existing plans remain in effect** until EPA approves or rejects the modified plan or **March 4, 2022**, whichever is earlier.
- EPA-approved modified plans are to be implemented according to the schedule in the plans.

* Certification of Pesticide Applicators at 40 CFR Part 171



HQ/Regional Coordination

- HQ & Regions -- program staff coordination
 - Weekly conference calls
 - HQ point of contact assigned to each Region
- HQ & Regions – program staff & legal counsel coordination
 - Monthly conference calls
 - May 2020 EPA-only meeting



EPA Plan Review Process

Description	Responsible for Step
Regional review of SLA/tribal submissions	Regions
Detailed review of submissions	Regions/HQ
Work with SLAs/Tribes on details	Regions
Inform HQ when ready to approve plans	Regions
Concurs on plan approval	HQ
RA approval of plans	Regions
Publishes notice of approval in Federal Register	HQ



Certification Plan Review Dates

Description	Dates	SOP Phase
Region's initial review of SLA/tribal submission	~March 2020 – July 2020	2
Regions detailed review of submission	~July 2020– May 2021	3
HQ detailed review of submission	~May 2021 – November 2021	3



Certification Plan Status

Plan type	# Submitted	From Regions	Under Detailed Review
SLAs	56	all	4
Tribes	4	5, 8, 10	N/A
EPA Plan for IC	1	N/A	N/A
Federal	5	N/A	N/A



Tracking Certification Plan Reviews

- Contact EPA Region and/or Certification Plan and Reporting Database (CPARD)
- <https://cpardpub.epa.gov>
- Must register for CPARD to see review status
 - Section “2020 Certification Plan”
 - You can see the status of your plan review only
 - Not viewable by the public
- Additional resources are available
 - Includes Q&As and rule-related documents



Applicator Certification in Indian Country

- Options for tribes
 1. Tribal-EPA Written Agreement
 2. Tribal Certification Plan
 3. EPA Plan for Indian Country
 4. Opt-out of proposed EPA Plan for Indian Country*
(i.e., no RUP use on tribal land)
- * there's no opt-out option for the 2014 EPA Plan



EPA Plan for Applicator Certification in Indian Country

- EPA Plan Federal Register Notice
 - Published 3/2
 - Docket: EPA-HQ-OPP-2011-0037
 - Comment period 90 days (closes 6/1)
- HQ/Regions - monthly tribal call
- HQ/Regions - contact tribes with plans
- HQ – tribal consultation process
 - Sessions in February and April
- HQ/SLA outreach call – 2/27 & 3/4



Pesticide Applicator Certification & Training Conference

- August 3 – 5, 2020 in Denver, Colorado
- <https://npsec.us/pact2020>
- Examples of topics:
 - Emerging application technologies; unmanned application vehicles
 - Respiratory protection
 - Pesticide resistance in weeds
 - Paraquat, Dicamba



Q&As



1. What happens if...?

...EPA said my plan was “complete” but later asks for more information?

“Complete” means the plan package has all of the pieces and is ready for a detailed review. EPA may need more information on plan contents during or after the detailed review.



2. What happens if...?

...the Region and HQ give a State/Tribe conflicting answers?

All EPA communications with States/Tribes on plans should come from or include the Regions. States/Tribes should not receive separate responses from EPA HQ and Regions.



3. What happens if...?

...a State/Tribe disagrees with EPA's answers or findings?

The State/Tribe should work through their Regional contact to resolve any issues. The Regional contact will involve managers and HQ as needed.



4. What happens if...?

...a State/Tribe cannot make regulatory or legislative changes before March 4, 2022, the deadline to approve a plan?

EPA does not expect States/Tribes to complete all regulatory/legislative changes before March 4, 2022. EPA will make the determination based on what is in the plan and implementation schedule, which includes such changes.



5. What happens if...?

...EPA approves a State/Tribal plan by with proposed regulatory changes, but the final regulatory change is different?

The State/Tribe will inform the Region of the change. The Region will work with the State/Tribe to understand the extent of the change and whether further review or action is needed.



EPA Regional Contacts

- 1- Robert Koethe
- 2- Tara Glynn
- 3- Courtenay Hoernemann
- 4- Patricia Livingston
- 5- Donald Baumgartner
- 6- Gregory Weiler
- 7- Bethany Olson
- 8- Blake Huff
- 9- Katy Wilcoxon
- 10- Bethany Plewe



EPA HQ/OPP – Certification & Worker Protection Branch Contacts

- Carolyn Schroeder, Chief
- Matthew Lloyd, Team Leader
- Stephanie Burkhardt
- Jeanne Kasai
- Tracy Lantz
- Jennifer Park
- Richard Pont
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