

# Certification Rule Updates 40 CFR 171

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SFIREG  
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## Outline

- **State/Tribal Certification Plan Reviews**
  - Background
  - Certification of Pesticide Applicators (CPA) Rule Approval Extension
  - Detailed Review Themes
  - Status Report: Reviews & Approvals
    - Approval Process
  - Next Steps
    - Implementation

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## Background - 2017 Certification Rule Revisions

- EPA revised the Certification Rule in 2017 (40 CFR Part 171)
  - Reduce adverse effects resulting from avoidable pesticide exposures
  - Ensure applicators meet the level of competency EPA assumes when registering a product as restricted use
  - First substantial revision in 40+ years!
- States, Tribes and Federal Agencies (certifying authorities) are making changes to certification/licensing programs, such as adding or updating applicator certification categories
- Most programs have adopted at least some standards more stringent than the federal standards; there is wide variance among program standards for various parts of the rule

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## CPA Rule Extension(s)

- EPA finalized a rule extending the date by which plans must be approved:
  - Original regulatory deadline: March 4, 2022
  - Revised deadline: November 4, 2022
  - **Final deadline: November 4, 2023**
- Interim Final Rule (IFR) issued December 2021
  - 8-month extension beyond original rule deadline to **November 4, 2022**
- Notice and Comment Rulemaking (NPRM) and Final Rule
  - NPRM issued February 2022
    - proposed an extension no later than November 4, 2024
  - **Final Rule issued August 19, 2023**
    - **Extended deadline to November 4, 2023**
- See Docket# EPA-HQ-OPP-2021-0831 at [www.regulations.gov](http://www.regulations.gov)

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## Detailed Review Themes

- Legal Authorities
  - Where ambiguous, suggest working with SLA legal council
  - EPA ORC/OGC open to collaboration
- Information Redacted in Approved Plans
  - Draft Regulatory Changes
  - Personally Identifiable Information (PII)
    - Photos/names on sample certification cards, etc.

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## Status of Certification Plan Reviews

Certification of Pesticide Applicators Rule  
40 CFR Part 171

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## EPA Approval Process

- Process
  - SLA response to EPA Detailed Reviews
  - EPA evaluation
  - Routing for EPA Approval
  - Meetings w/
    - Pre/SFIREG
    - EPA & AAPCO Board
- SLA/Regional/HQ Meetings are an option for sticky issues
  - EPA legal team available for assistance

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## Certification Plan Reviews & Approvals

- All **68 Plans** have been thoroughly reviewed by EPA
- All state plans have been returned to SLAs for revisions
- **16 Certification plans Approved (SLA + Federal)**

### 6 Tribal Plans

- **No Plans Approved yet**
- All Plans back with respective tribes

### 56 SLA Plans

- **11 Plans Approved**
- 25/45 not-yet approved Plans back with SLAs
- 20/45 are back with EPA after revisions

### 6 Federal Agency Plans

- **5 Plans Approved**
- 1 EPA-administered Plan for Indian country under internal review

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**Pesticide Worker Safety**

- Pesticide Worker Safety Home
- How EPA Protects Workers from Pesticide Risk
- Recognition and Management of Pesticide Poisonings
- In Case of Pesticide Poisoning
- Agricultural Worker Protection Standard (WPS)
- How to Get Certified as a Pesticide Applicator
- Pesticide Containers
- Pesticide Containment Structures

## Certification Standards for Pesticide Applicators

Esta página web está disponible en español [aquí](#)

In 2017, EPA finalized stronger standards for people who use restricted use pesticides (RUPs). The revisions to the Certification of Pesticide Applicators (CPA) rule help ensure RUPs are used safely and reduce the likelihood of misapplication of RUPs.

The [2017 CPA final rule](#) required states, territories, tribes and some federal agencies ([certifying authorities](#)) with existing EPA approved certification plans to submit proposed modifications by March 4, 2020 to comply with the federal standards. Plans in place before March 4, 2020 remain in effect until EPA approves the revised plans, or the CPA rule deadline, whichever is earlier. In August 2022, EPA extended the expiration date for existing plans to November 4, 2024. [Read the final rule.](#)


EPA has reviewed and commented on all proposed plan revisions. Of the 56 proposed plan revisions submitted by state and territory certifying authorities, currently 4 have been approved. EPA is collaborating with certifying authorities to resolve the Agency's comments on remaining plans so that all can be approved by the deadline.

EPA is tracking the progress of approved revised plans, as shown in the table below.

**Status of State and Territory Certification Plan Review, Updated November 22, 2022**

	Plans Submitted to EPA	Plans with Certifying Authorities	Plans Resubmitted to EPA	Approved Plans*
<b>Description</b>	EPA completed thorough reviews of certification plans and provided feedback to certifying authorities.	Certifying authorities are working on resolving or resolving certifying authorities in response to EPA feedback.	EPA is reviewing the revisions made by certifying authorities in response to EPA feedback.	EPA has approved revised certification plans.
<b>Number of Certification Plans (of 56 States and Territories)</b>	56	25	21	10

\*Approved plans identified here may not yet be announced in a FR Notice.



# Certification Plan Communications & Public Access

1. Updates to Certification Web page
2. Federal Register Notices
3. CPARD public view

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**Pesticide Worker Safety**

- Pesticide Worker Safety Home
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# Certification Plan Communications & Public Access

- Updates to Certification Web Page
  - Biweekly updates
  - <https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators>

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Regulations.gov  
Your Voice in Federal Decision Making

Docket (EPA\_FR00C\_001) / Document

NOTICE

### Certifying Authorities' Amended Plans for Certification of Commercial and Private Applicators of Restricted Use Pesticides: Approval Status, Batch One

Posted by the Environmental Protection Agency on Nov 23, 2022

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Document Details

Document ID: EPA\_FR00C\_001-28973

Document Details

Federal Register Number: 2022-25539  
Received Date: Nov 23, 2022  
Start/End Page: 71628 - 71629

The Environmental Protection Agency (EPA) is announcing its approval of thirteen amended certification plans for certifying applicators of Restricted Use Pesticides (RUPs) from the following certifying authorities: Alaska Department of Environmental Conservation (ADEC); California Department of Pesticide Regulation (CDPR); Nebraska Department of Agriculture (NDA); New York Department of Environmental Conservation (NYSDDEC); Oregon Department of Agriculture (ODA); Puerto Rico Department of Agriculture (PRDA); U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA-APHIS PPQ); U.S. Department of Agriculture, Forest Service (USDA-FS); U.S. Department of Defense (DoD); U.S. Department of Energy (DoE); U.S. Department of the Interior, Bureau of Land Management (DOI-BLM); Vermont Agency of Agriculture, Food and Markets (VAAFM); and Virgin Islands Department of Planning and Natural Resources (VIDPNR). The amended plans are consistent with the existing regulatory requirements, including revisions made in 2017 to

## Certification Plan Communications & Public Access

- Federal Register Notices
  - First "Approvals" FRN:
    - November 22, 2022
  - See Docket # EPA-HQ-OPP-2022-0509 at [www.regulations.gov](http://www.regulations.gov)
  - Next FRN "batch":
    - ~January, 2022

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## Certification Plan Communications & Public Access

- CPARD public view
- When looking at Plans, remember each was approved as a whole, not section by section

CPARD apex\_public\_user CPARD Portal

Certification Plan and Reporting Database (CPARD) Menu

- Category
  - Exam
  - Applicator Cycles
- Sub Category
  - Sort By Category
  - Program Contacts
  - Regulatory Activities
  - Certification Controls
  - Lead Agency
  - RUP's Agencies
  - Enforcement
  - Reciprocity Agreements
  - Reciprocating States
  - Cooperative Agreements
  - DIID Enforcement

Post-2017 Approved Plans

These plans were approved after March 4, 2017 and replace the Pre-2017 Plans.

- Full Plan (PDF)

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## Certification Plan Review and Approval Next Steps

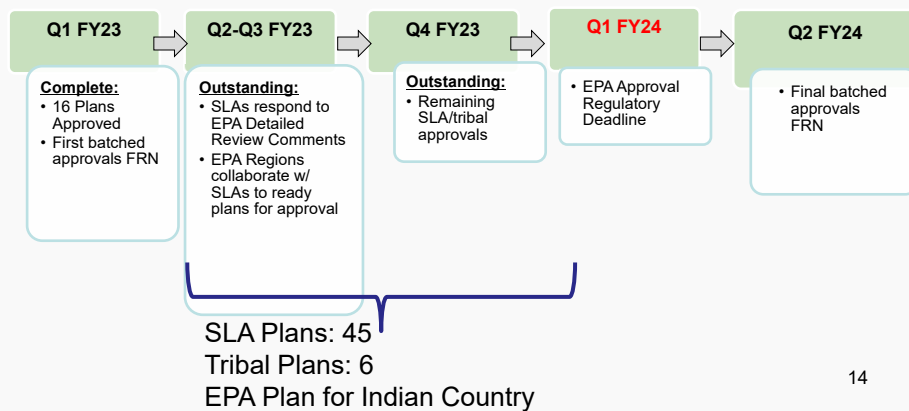
- December 2022
  - 45 SLA Plans
    - SLAs respond to EPA Detailed Review Comments
    - EPA Regions collaborate w/ SLAs to ready plans for approval
    - ~9 months to complete
  - EPA approvals
- November 4, 2023

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## Next Steps: Certification Plan Review and Approval



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## Entering Implementation Phase

- Certification plan revisions are/will translate to state and tribal program changes
  - Certifying authorities are making changes to certification/licensing programs, such as adding or updating applicator certification categories
  - States may vary in approach as long as competency standards addressed
- Changes may go into effect at different times, before or after the plan approvals, based on each plan's implementation schedule
- Meanwhile, existing plans and relevant parts of their programs remain in effect

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## Entering Implementation Phase

- EPA's role in a nutshell
  - Provide guidance and technical assistance, as needed
  - Implementation support
  - Review annual reporting
  - Review and approve plan modifications, as needed
  - Implement EPA Plan in Indian country (e.g., issue federal certifications)
  - Support development of tools/resources (e.g., fund grants)

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## EPA Regional Certification Contacts

- |                          |                    |
|--------------------------|--------------------|
| 1 - Robert Koethe        | 6 - Sierra Moline  |
| 2 - Tara Glynn           | 7 - Shawn Hackett  |
| 3 - Courtenay Hoernemann | 8 - Blake Huff     |
| 4 - Patricia Livingston  | 9 - Katy Wilcoxon  |
| 5 - Donald Baumgartner   | 10 - Bethany Plewe |

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## Office of Pesticide Programs

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### Certification Contacts

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|--|--|
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[www.epa.gov/pesticide-worker-safety](http://www.epa.gov/pesticide-worker-safety)

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