



Update on Certification Plans (& Other Worker Safety-related Updates)

**EPA's Certification and Work Protection Branch
Pesticide Re-Evaluation Division
Office of Pesticide Programs**

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Outline

- **Update on State/Tribal Certification Plan Reviews**
 - Regulatory Deadline
 - Status of Plans
 - Upcoming Work
 - Implementation
 - Upcoming Technical Program Resources (for Certification)
- **Worker Protection Standard Update**
 - Application Exclusion Zone Provisions



CPA Rule Regulatory Deadline

- FIFRA requires an EPA-approved Certification Plan for RUP applicator certification programs
- Plans modified because of 2017 rule revision
- EPA's regulatory deadline for Certification Plan approval
 - **November 4, 2023 (extended from March 4, 2022)**
 - Extension informed by Regional projections and co-regulator/stakeholder comments
 - No additional extensions
- See Docket# EPA-HQ-OPP-2021-0831 at www.regulations.gov



Status of Certification Plan Approvals

- **68 certification plans in total**
- All **62 SLA and Tribal plans** have been reviewed by EPA and returned to the certifying authority for revisions
- **25 certification plans approved (SLA + Federal)**

6 Tribal Plans

- **No approvals yet**
- 6 / 6 plans back with tribes

56 SLA Plans

- **19 approved**
- 15 / 36 with SLAs
- 21 / 36 with EPA after revisions

6 Federal Agency Plans

- **5 approved**
- 1 / 1 EPA-administered Plan for Indian country - in internal review



43 Remaining Approvals

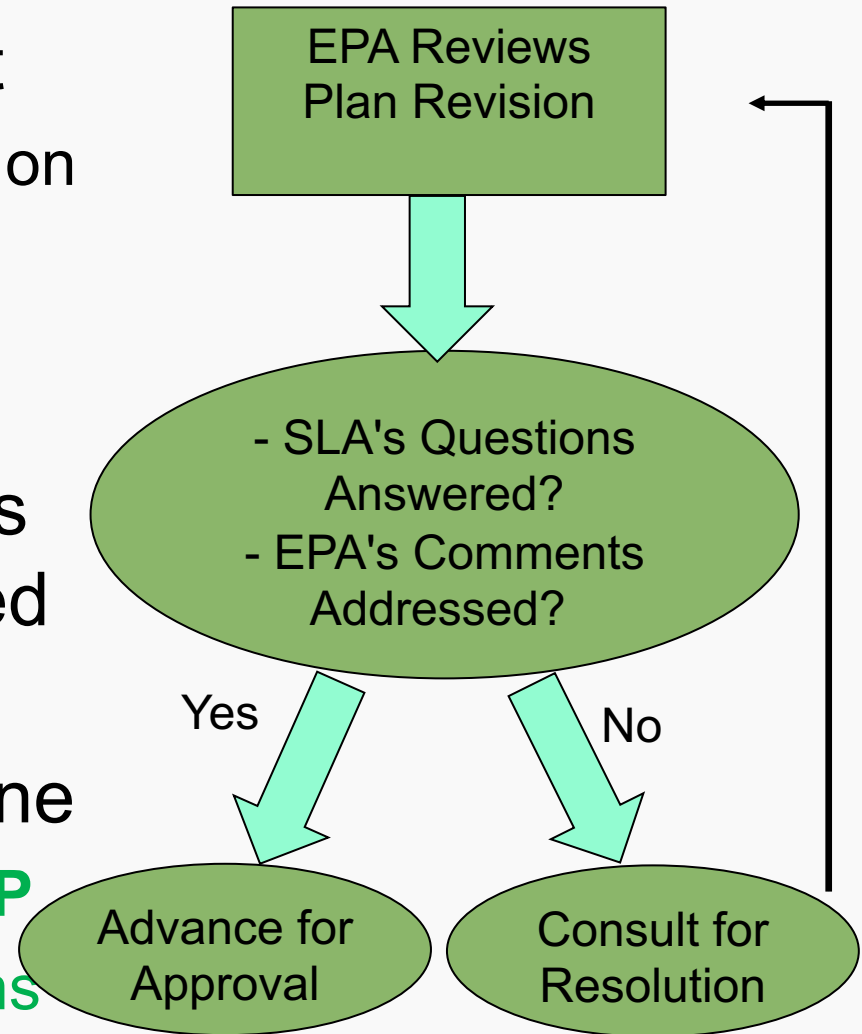
Region/Group	Approved	Approvals Remaining
		3/7/23
1	3	3
2	4	0
3	2	4
4	1	7
5	1	6
6	0	5
7	1	5
8	1	7
9	4	3
10	3	2
OCSPP	5	1

AK, AZ, CA, CT, DC,
DE, HI, IN, MS, NE,
NH, NJ, NV, NY, OR,
PR, SD, VI, VT, WA



Ongoing SLA Plan Revisions

- Collaboration is important
 - Regions will work with you on timeline for addressing comments/revision
 - **Set due dates**
- EPA team reviewing plans revised to address detailed review comments
- November 4, 2023 deadline
 - Aim for resubmission **ASAP**
 - **Need flow of incoming plans**



Pesticide Worker Safety

CONTACT US

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](#)

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 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 proposed plan modifications, or until those plans otherwise expire on November 4, 2022, whichever is earlier. In February 2022, EPA issued a proposed rule seeking public comment on the need for further extending the deadline up to but not longer than November 4, 2024. [Read and comment on the proposed rule](#).

EPA has completed an initial review of all certifying authorities' proposed plan modifications submitted by March 4, 2020 and provided detailed feedback to all 56 State Lead Agencies (SLAs). EPA is currently collaborating with certifying authorities on resolving the Agency's comments so that plans may be ultimately approved.

EPA is tracking the progress of the review and approval of the proposed plan modifications made in response to the 2017 CPA final rule. Below is a table that represents the status of the 56 state and territory proposed plans.

Status of Certification Plan Review, Updated May 27, 2022

	Plans Submitted to EPA	Plans with Certifying Authorities	Plans Resubmitted to EPA	Approved Plans*
Description	<i>EPA completed thorough reviews of certification plans and provided feedback to certifying authorities.</i>	<i>Certifying authorities are working on resolving EPA feedback.</i>	<i>EPA is reviewing the revisions made by certifying authorities in response to EPA feedback.</i>	<i>EPA has approved modified certification plans.</i>
Number of Certification Plans (out of 56 States and Territories)	56	38	15	3

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

Related Information

- [EPA Extends Expiration Deadline for Pesticide Applicator Certification Plans](#)
- [Current Certification of Pesticide Applicators rule vs. Revised rule](#)
- [Learn more about certification of pesticide applicators](#)
- [Current standards for Certification of Pesticide Applicators](#)



Certification Plan Communications & Public Access

- Updates to [Web Page](#)
 - Biweekly updates
- Federal Register Notices
 - Anticipated quarterly starting early November
- CPARD public view
 - Approved plans to be available



Certification Plan Communications & Public Access

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

A screenshot of the CPARD web application interface. The top navigation bar is blue and contains the text "CPARD" on the left and "apex_public_user CPARD Portal" on the right. Below the navigation bar is a dark grey sidebar with a white menu. The menu is titled "Certification Plan and Reporting Database (CPARD) Menu". It contains two columns of links. The first column includes "Exam" and "Applicator Cycles". The second column includes "Sort By Category", "Program Contacts", "Regulatory Activities", "Certification Controls", "Lead Agency", "RUP's Agencies", "Enforcement", "Reciprocity Agreements", "Reciprocating States", "Cooperative Agreements", and "RIID Enforcement". A yellow highlight is placed over the text "Post-2017 Approved Plans" in the menu, with a sub-item "Full Plan (PDF)" listed below it. Another yellow highlight is placed over the text "Full Plan (PDF)".

CPARD

apex_public_user CPARD Portal

Certification Plan and Reporting Database (CPARD) Menu

- Exam
- Applicator Cycles
- Post-2017 Approved Plans
- Full Plan (PDF)
- Sort By Category
- Program Contacts
- Regulatory Activities
- Certification Controls
- Lead Agency
- RUP's Agencies
- Enforcement
- Reciprocity Agreements
- Reciprocating States
- Cooperative Agreements
- RIID Enforcement



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
 - State's approach may vary 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



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)



Pesticide Educational Resources Collaborative



- Recipient: UC Davis in collaboration with OR State
- Coordinates the development of pesticide-related educational resources (e.g., manuals, videos, guides) that meet national needs related to implementing the Worker Protection Standard and CPA regulations.
- Applicator Certification – seed treatment manual, non-soil fumigation certification manual, Core Manual addendum, noncertified applicator training
- <https://pesticideresources.org/ct/index.html>



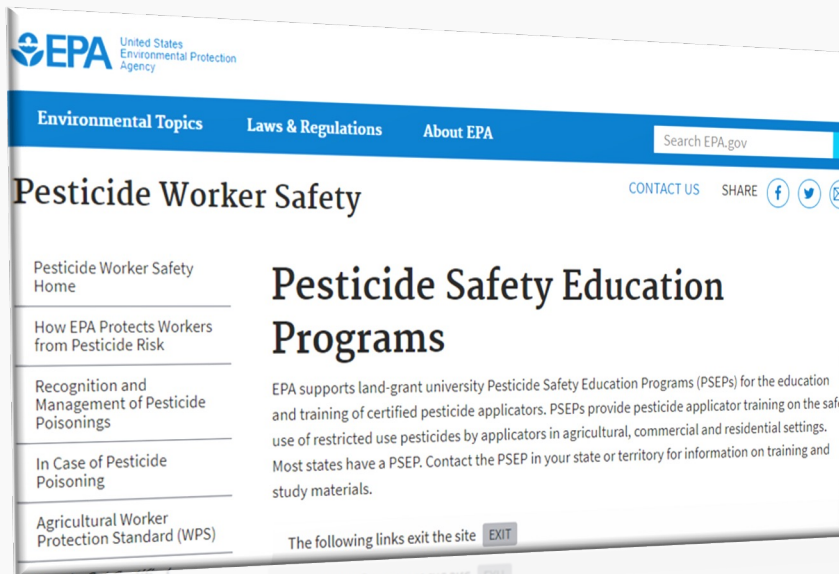


PERC Certification Resources

- PERC completed Core Manual addendum (Dec. 2021)
 - Available: <https://pesticideresources.org/ct/corecomp.html>
- Upcoming resources
 - Revising the 2014 National Pesticide Applicator Certification Core Manual and Exam Bank (English), expected in 2024
 - Revising the 2014 National Pesticide Applicator Certification Core Manual and Exam Bank (Spanish), expected in 2025-2026
 - Revising the 2012 Soil Fumigation Manual and Exam Bank (English), expected in 2024



Powered-Up - An Advanced Pesticide Safety Education Funds Management Program



- Recipient: Extension Foundation – nonprofit
- Distributes funds to PSEPs at land grant universities
- Supports pesticide applicator education and training for certified applicators
- Projects are shared for national/regional use



Continuation of Pesticide Safety Education Program Funding

- PSEPs provide important work to train and education applicators
- Extension Foundation cooperative agreement coming to a close
 - Has distributed all funds available to it in 2022
- Anticipate gap in funding anticipated (approximately 1 year)
- EPA developing a solicitation for applications for a new award
 - Anticipated Spring 2023
- Pesticide Registration Improvement Extension Act (PRIA)
 - Reauthorized – signed into law December 30, 2022
 - PRIA 5 includes mandate to provide up to \$500K annually to PSEPs FY23 - 27
 - Similar to prior PRIA amounts



Field Implementation Meeting Support

- Recipient: Michigan State University with subawards to National Pesticide Safety Education Center and Migrant Clinicians Network
- Meetings of stakeholders – State government, PSEPs, clinicians, farmworker groups, other nonprofits, companies and associations (e.g., PACT conference – see next slide!)
- Collaboration Teams: Respirator, IPM Education, Pacific Island PSE, Pollinators, Dicamba, Paraquat and Invasive Species
- [Certification and Training Assessment Group](#) (CTAG): working on online exams, label-mandated training, and delivering various online trainings.
- Webinars (such as, [PACT 2023 Series](#) and [PACT 2021 Series](#))



Register!

May 15-17

Traverse City, MI

<https://pactmeeting.us/>



2023 PACT Meeting
Webinars



EPA Regional Certification Contacts

- 1 - Andrea Szylvian & Robert Koethe
- 2 - Tara Glynn
- 3 - Courtenay Hoernemann
- 4 - Richard Corbett
- 5 - Donald Baumgartner
- 6 - Sierra Moline
- 7 - Shawn Hackett
- 8 - Blake Huff
- 9 - Katy Wilcoxon
- 10 - Bethany Plewe



Updates on the Worker Protection Standard's Application Exclusion Zone (AEZ) Requirements

40 CFR Part 170



Updates on WPS AEZ Provisions

- WPS AEZ Final Rule published October 30, 2020
 - Dec. 2020 - Lawsuits filed challenging 2020 AEZ Final Rule proceedings stayed by the court
 - Preliminary injunction in effect until **August 22, 2023**
 - Injunction is expected to be extended further by the court
- Until further notice from EPA, the 2015 WPS remains in effect with no changes to the Application Exclusion Zone (AEZ) provisions
 - i.e., the AEZ requirements from 2015 must be implemented, not the regulatory text that published in 2020
- Status updates on the AEZ stay of effectiveness are provided at <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>



WPS AEZ Rule Reconsideration Efforts

- EPA initiated a notice and comment rulemaking to reconsider parts of the 2020 AEZ Rule.
 - Consistent with Executive Order 13990 addressing the protection of public health and the environment and restoring science to tackle the climate crisis
 - Identified the 2020 AEZ rule for reconsideration
 - Considers some of the issues raised in litigation
- On February 16, EPA announced a proposed rule. The proposed rule will be available for public comment for 60-days.
 - Publication date TBD.
 - [Regulations.gov](#), docket # EPA-HQ-OPP-2022-0133
 - A pre-publication draft of the proposal is available online at:
<https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>
- Until further notice, the 2015 WPS requirements for the AEZ remain in effect



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