

On January 4, 2017, EPA issued revisions to the Certification of Pesticide Applicators rule (40 CFR 171). The revisions provide assurance that certified applicators and noncertified applicators under their direct supervision are competent to use **restricted use pesticides (RUPs)** in a manner that will not cause unreasonable adverse effects on human health or the environment.

This document provides general guidance to EPA, certifying authorities, certified applicators, and the public. This document is not binding on EPA or any outside parties. EPA may depart from the guidance where circumstances warrant and without prior notice. The full text of the revised regulation and more information on the regulation are available at: [www.epa.gov/pesticide-worker-safety/reviced-certification-standards-pesticide-applicators](http://www.epa.gov/pesticide-worker-safety/reviced-certification-standards-pesticide-applicators).

Item	Requirement	Previous Rule
<b>Enhance Private Applicator Competency Standards</b>	Private applicators must demonstrate competency in pest control in the production of agricultural commodities regarding topics similar to core competency standards for commercial applicators (i.e., <b>label and labeling comprehension; safety; environment; pests; pesticides; equipment; application techniques; laws and regulations; responsibilities for supervisors of noncertified applicators; stewardship</b> ).  Private applicators must be able to <b>read and understand pesticide labeling</b> . <i>171.105(a)</i>	Private applicator competency for certification based on <b>5 general topics</b> : recognizing pests, reading and understanding labeling, applying pesticides in accordance with the labeling, recognizing environmental conditions and avoiding contamination, recognizing poisoning symptoms and procedures to follow in the case of a pesticide accident.
<b>Strengthen Private Applicator Competency</b>	Private applicators must either <b>attend a training program covering the mandatory competency standards</b> <u>or</u> <b>pass a written exam</b> .  No requirement for persons currently certified as private applicators to complete initial certification requirements under the revised competency standards. <i>171.105(h)</i>	Private applicator certification obtained by <b>written or oral exam, or other method approved as part of the State certification plan</b> .
<b>Eliminate Non-Reader Certification for Private Applicators</b>	No “non-reader” option for persons who cannot read to obtain certification to use specific RUPs.	States could offer an alternative, product-specific certification process for persons who cannot read.
<b>Certified Applicator Credentials</b>	Certifying authorities must <b>describe the credentials or documents they will issue to each applicator verifying certification</b> . <i>171.303(a)(8), 171.305(a)(9)</i>	No federal requirements for information on documents used to verify an applicator’s certification.

Item	Requirement	Previous Rule
<b>Establish Additional Categories for Private and Commercial Applicator Certification</b>	Establish categories for private and commercial applicators performing: <b>aerial application, soil fumigation, and non-soil fumigation.</b> No concurrent certification required.  Certifying authorities not required to adopt categories not needed. Allow certifying authorities to combine soil fumigation and non-soil fumigation into a single certification category. <i>171.101(m)-(o), 171.103(d)(13)-(15), 171.105(d)-(f)</i>	No additional certification required.
<b>Allow Certifying Authorities to Develop a “Limited Use” Category</b>	Certifying authorities may adopt a limited use category for a <b>small number of applicators engaged in a use that does not clearly fit in any commercial applicator category. Use limited to certain RUPs by specific application methods.</b> Certification plans must include the following for each limited use category: <ul style="list-style-type: none"> <li>• A definition of the limited use category, with the RUPs, use sites, and specific application methods permitted</li> <li>• An explanation of why it is not practical to include the limited use category in any of the existing commercial applicator categories</li> <li>• A requirement that candidates for certification in a limited use category pass the core exam and demonstrate competency to use RUPs in the limited use category</li> <li>• Specific competency standards for the limited use category</li> <li>• Process for applicators to demonstrate competency to use the RUPs in the limited use category; does not have to be a written examination</li> <li>• A description of the recertification standards for the limited use category</li> <li>• A description of the limited use certification credential that clearly authorizes purchase and use of specific RUPs only</li> </ul> <i>171.303(a)(4)</i>	All commercial applicators certified by passing written exams on core and category competency standards.
<b>Establish Predator Control Categories</b>	Add categories for private and commercial applicators: <b>sodium fluoroacetate (Compound 1080) in livestock protection collars and sodium cyanide delivered through M-44 devices.</b>  Certifying authorities are not required to adopt these categories if not needed in a particular jurisdiction. <i>171.101(k)-(l), 171.103(d)(11)-(12), 171.105(b)-(c)</i>	No predator control categories. Specific competency standards in registration decisions and labeling for sodium fluoroacetate (Compound 1080) in livestock protection collars and sodium cyanide in M-44 devices.

Item	Requirement	Previous Rule
<b>Identification of Candidates for Certification and Recertification</b>	<p>Require all candidates for <b>initial certification</b> (exam or training) and <b>recertification by exam</b> to present a government-issued photo identification OR other similarly reliable form of identification approved by the certifying authority. <i>171.103(a)(2)(iii), 171.105(h)(1), 171.105(h)(2)(i)</i></p> <p>Require certifying authorities to verify successful completion of <b>each recertification course/event</b> (e.g., training, workshop, continuing education), including the identity of candidates for <b>recertification</b>. No specific requirement to verify identity with government-issued photo identification. <i>171.107(b)(1), 171.107(b)(2)(iii)</i></p>	<p>No federal requirement to present identification at exam or training sessions.</p>
<b>Establish Exam Standards</b>	<p>All exams must be proctored. Only materials approved by the certifying authority, provided and collected by the proctor, may be used during exams (final rule does not use the term “closed-book exams”).</p> <p>Requires certifying authorities to adopt specific exam administration standards that meet or exceed federal standards. <i>171.103(a)(2), 171.303(a)(5)-(6)</i></p>	<p>Competency for commercial applicators based on written examination. EPA policy requires certification exams be closed book and proctored.</p>
<b>Enhance Competence of Noncertified Applicators of RUPs</b>	<p>Qualify as a noncertified applicator of RUPs by any of the following:</p> <ul style="list-style-type: none"> <li>• Completing training outlined in the rule at 171.201(d).</li> <li>• Completing training as a handler under the Worker Protection Standard (WPS) (40 CFR 170).</li> <li>• Holding a valid applicator certification in an unrelated category or from another jurisdiction.</li> <li>• Satisfying the requirements for noncertified applicators established by the certifying authority that meet or exceed federal standards.</li> </ul> <p>Annual training required. <i>171.201(c)</i></p>	<p>Competency required of noncertified applicators to use RUPs. No specific training requirements. For specific applications, the certified applicator must provide verifiable instructions with detailed guidance for applying the pesticide.</p>
<b>Establish Qualifications for Trainers of Noncertified Applicators</b>	<p>Noncertified applicator training outlined in the rule at 171.201(d) can only be provided by one of the following: <b>a currently certified applicator, a certifying authority-designated trainer of certified applicators or handlers, or a person who has completed an EPA-approved train-the-trainer course under the WPS.</b></p> <p><i>171.201(d)(2)</i></p>	

<p><b>Establish Qualifications for Certified Applicators Supervising Noncertified Applicators</b></p>	<p>Supervising applicators must:</p> <ul style="list-style-type: none"> <li>• Be certified in the category in which they supervise applications.</li> <li>• <b>Ensure noncertified applicators under their supervision are qualified under 171.201(b)(2) and (c), including the minimum age requirement.</b></li> <li>• <b>Ensure the noncertified applicator has access to applicable labeling during use</b> and provide specific instructions related to the application.</li> <li>• Ensure noncertified applicator has PPE and wears it properly for the intended purpose.</li> <li>• Ensure equipment is in proper operating condition.</li> </ul> <p>Ensure a <b>means for immediate communication</b> between the supervisor and supervisee is available. <i>171.201(b)</i></p>	<p>Supervising applicators must demonstrate practical knowledge of supervisory requirements. For specific applications, supervising applicator must provide detailed guidance for applying the pesticide properly and provisions for contacting the certified applicator.</p>
<p><b>Require Commercial Applicator Records of Noncertified Applicator Training</b></p>	<p>Require <b>commercial applicators to verify the existence of and have access to records documenting noncertified applicators' qualification.</b> Contents of record depends on method of qualification.</p> <p>Must have access to records for 2 years from date of RUP use. <i>171.201(e)</i></p>	<p>No commercial applicator recordkeeping on providing verifiable instructions to noncertified applicators.</p>
<p><b>Noncertified Applicators/Use of RUPs under the Supervision of a Certified Applicator</b></p>	<p>Certifying authorities may <b>adopt standards for noncertified applicators that meet or exceed the federal standards, or prohibit the use of RUPs by noncertified applicators under the direct supervision of certified applicators.</b></p> <p><i>171.303(b)(5), 171.305(b)(4)</i></p>	<p>No standards for noncertified applicators in previous rule.</p>
<p><b>Establish a National Certification Period</b></p>	<p>Require all applicators to renew their certification (recertify) <b>at least every 5 years.</b></p> <p><i>171.107(a)</i></p>	<p>States ensure applicators maintain a continuing level of competency and ability to apply pesticides safety and properly.</p>

Item	Requirement	Previous Rule
<b>Establish a Minimum Age for Certified Applicators</b>	<p>Persons must be at least <b>18 years old</b> to be certified as a commercial or private applicator.</p> <p><i>171.103(a)(1), 171.105(g)</i></p>	No minimum age requirement.
<b>Establish a Minimum Age for Noncertified Applicators</b>	<p>Persons must be at least <b>18 years old</b> to qualify as a noncertified applicator using RUPs under the direct supervision of a commercial or private applicator.</p> <p>Exception: Persons using RUPs under the supervision of a private applicator who is an immediate family member must be at least 16 years old. The exception does not apply if the RUP is a fumigant, sodium cyanide, sodium fluoroacetate, or an RUP to be applied aerially.</p> <p><i>171.201(b)(2)(iii)</i></p>	No minimum age requirement.
<b>Recertification Requirements</b>	<p>Recertification must include satisfactory completion of continuing education or exam. Establish performance standards for certifying authorities to develop and administer recertification programs.</p> <p>For <b>recertification by continuing education</b>, states must adopt criteria for:</p> <ul style="list-style-type: none"> <li>• quantity of continuing education required to maintain certification</li> <li>• content covered by the continuing education program and how the certifying authority ensures the required content is covered</li> <li>• process the certifying authority uses to approve continuing education courses or events, including how any continuing education courses or events verify the applicator’s successful completion of the course or event</li> <li>• how the certifying authority ensures the on- going quality of the continuing education program</li> </ul> <p>For <b>recertification by exam</b>, states must establish:</p> <ul style="list-style-type: none"> <li>• the process for reviewing, and updating as necessary, the written examination(s) to ensure that they evaluate whether a certified applicator continues to demonstrate competency</li> </ul> <p>No requirements for when training must occur during the 5-year period.</p> <p><i>171.107(b), 171.303(b)(4), 171.305(b)(3)</i></p>	States ensure applicators maintain a continuing level of competency and ability to apply pesticides safety and properly.

Item	Requirement	Previous Rule
<b>Civil and Criminal Penalty Authority</b>	<p>States must have authority to assess civil <u>and</u> criminal penalties for commercial and private applicators. Tribes and federal agencies must have other specified means of enforcing compliance.</p> <p><i>171.303(b)(7)(iii), 171.305(b)(5), 171.307</i></p>	<p>States required to have authority to assess civil and/or criminal penalties for commercial and private applicators.</p>
<b>Program Reporting and Accountability</b>	<p><b>Certifying authorities must report:</b></p> <ul style="list-style-type: none"> <li>• For private and commercial applicators - new, recertified, and total number of applicators holding certifications, <b>by category and subcategory</b> (if applicable).</li> <li>• Any changes to the certification plan not previously evaluated by EPA.</li> <li>• Any planned changes to the certification plan.</li> <li>• A summary of enforcement activities related to the use of RUPs.</li> </ul> <p><i>171.303(c), 171.305(c)</i></p>	<p>Reporting required on:</p> <ul style="list-style-type: none"> <li>• Total number of applicators, private and commercial, by category, currently certified; and number of applicators, private and commercial, by category, certified during the last reporting period.</li> <li>• Any changes in commercial applicator subcategories.</li> <li>• A summary of enforcement activities related to use of restricted use pesticides during the last reporting period.</li> <li>• Any significant proposed changes in required standards of competency.</li> <li>• Proposed changes in plans and procedures for enforcement activities related to use of restricted use pesticides for the next reporting period.</li> <li>• Any other proposed changes from the State plan that would significantly affect the State certification program.</li> </ul>

Item	Requirement	Previous Rule
<b>Commercial Applicator Recordkeeping</b>	<p>States must require commercial applicators to maintain records about RUP use including:</p> <ul style="list-style-type: none"> <li>• <b>Name and address of person for whom RUP applied</b></li> <li>• <b>Location of application</b></li> <li>• <b>Size of area treated</b></li> <li>• <b>Site to which RUP was applied</b></li> <li>• <b>Time and date of application</b></li> <li>• <b>Product name and EPA registration number of RUP applied</b></li> <li>• <b>Total amount of RUP applied per application and location</b></li> <li>• <b>Name and certification number of certified applicator and name(s) of any noncertified applicator that made the application under the direct supervision of the certified applicator.</b></li> </ul> <p>States must require commercial applicators <b>to verify and have access to</b> specific records related to the qualifications of noncertified applicators working under their direct supervision.</p> <p>Records are to be maintained for <u>at least</u> 2 years. 171.303(b)(7)(vi)</p>	<p>State plans had requirements for certified commercial applicators to maintain for at least 2 years routine operational records containing information on kinds, amounts, uses, dates, and places of application of RUPs.</p>
<b>State Plan Maintenance, Modification, and Withdrawal</b>	<p><b>Codify policy that substantial modifications</b> include:</p> <ul style="list-style-type: none"> <li>• Addition or deletion of a mechanism for certification and/or recertification.</li> <li>• Establishment of a new private applicator subcategory, commercial applicator category, or commercial applicator subcategory.</li> <li>• Any other changes that the Agency has notified the State, Tribal or Federal agency that the Agency considers to be substantial modifications.</li> </ul> <p>171.309</p>	<p>States could not make substantial modifications certification plans without EPA approval. “Substantial modification” not defined.</p> <p>EPA policy on substantial modification:</p> <ul style="list-style-type: none"> <li>• Deletion of a mechanism for certification and/or recertification.</li> <li>• Establishment of a new private applicator subcategory, commercial applicator category, or commercial applicator subcategory.</li> <li>• Other changes the Agency notified the State, Tribal or Federal agency as substantial modifications.</li> </ul>

Item	Requirement	Previous Rule
<b>Establish Provisions for Review and Approval of Federal Agency Plans</b>	Delete Government Agency Plan option from the regulation.  <b>Codify policy</b> to allow Federal agencies to develop their own plans for certifying Federal agency employee applicators.  <b>Federal agency certification plans must meet or exceed the standards in the regulation.</b> 171.305	Option to develop a single, federal government-wide Government Agency Plan to certify federal employees applying RUPs. <i>Government Agency Plan never developed.</i> EPA policy allowed Federal agencies to develop plans for certifying Federal agency employee applicators. Plan had to meet or exceeded standards for State plans.
<b>Clarify Options for Establishing a Certification Program in Indian Country</b>	<b>Three options for applicator certification programs in Indian Country:</b> <ul style="list-style-type: none"> <li>• Tribes may <b>enter into an agreement with EPA (region(s))</b> to recognize certifications issued under other EPA-approved certification plans (State, Tribal, or Federal)</li> <li>• Tribes may <b>develop and implement a Tribal certification plan</b> (requires Tribes to develop and submit a Tribal certification plan that meets or exceeds the standards)</li> <li>• EPA may <b>administer a Federal certification plan for applicators in Indian country</b> that meets or exceeds the standards. EPA may include multiple tribes and geographic areas under a single plan.</li> </ul> 171.307	Three options for applicator certification programs in Indian Country: <ul style="list-style-type: none"> <li>• Tribes may <b>utilize State certification</b> to certify applicators (requires concurrence by the State(s) and an appropriate State-Tribal agreement)</li> <li>• Tribes may <b>develop and implement a Tribal certification plan</b> (requires Tribes to develop and submit an appropriate Tribal certification plan to EPA for approval)</li> <li>• EPA may <b>administer a Federal certification plan for applicators in Indian country</b></li> </ul>
<b>Revise Provisions for EPA-Administered Plans</b>	EPA-administered federal certification plans must meet the standards for State certification plans, including RUP applicator certification, recertification, and noncertified applicator qualifications. Requirements for annual reporting and plan maintenance.  171.311	Requirements for EPA-administered certification plans in States or areas of Indian country without EPA-approved certification plans in place, including specific standards for certification and recertification of pesticide applicators.
<b>Implementation Schedule</b>	Certifying authorities must submit revised certification plans <b>within 3 years</b> of effective date of final rule.  If revised plan is timely submitted to EPA, existing plan will remain in effect until revised plan is approved by EPA. Timeframe for implementation/compliance with revised certification plan will be decided on a case-by-case basis as part of EPA’s review and approval of each revised certification plan. 171.5	Not applicable.