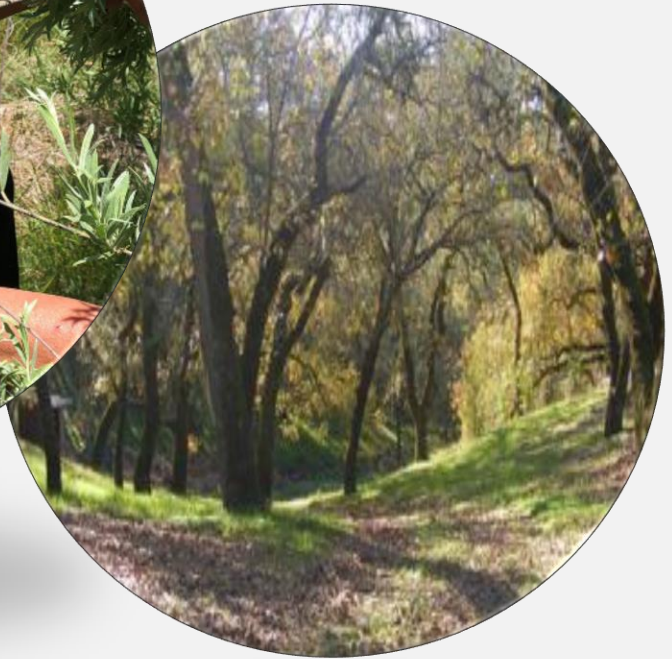


Updates to 40 CFR Part 171 Certification of Pesticide Applicators



Katy Wilcoxon
EPA R9 Pesticide Program
February 2020





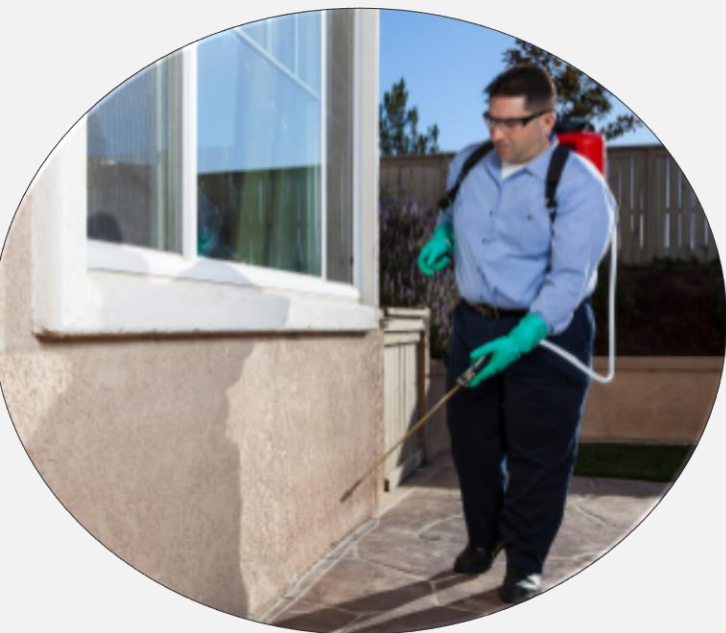
40 CFR Part 171 Certification of **Restricted Use Pesticide** Applicators

Establishes national standards
for applicators

States, Tribes, Territories and
EPA certify applicators

Over 1,000,000 certified
pesticide applicators





USEPA Pesticide Registration

- Identifies risk
- Classifies as general or restricted
- Mitigates risks
 - PPE, Training, engineering controls, etc.
 - Only for use by certified applicator
- Label requirements



The Label is the Law....

Code 279



RESTRICTED USE PESTICIDE
Due to acute oral and inhalation toxicity. For retail sale to and application only by certified applicators or personnel under their direct supervision.

Net Contents



RESTRICTED USE PESTICIDE
For retail sale to and use only by **certified applicators** or persons **under their direct supervision** and only for those uses covered by the certified applicator's certification.

This product contains 4 lbs. of carbofuran per gallon.

KEEP OUT OF REACH OF CHILDREN
 **DANGER-POISON** 
PELIGRO

reversible cholinesterase inhibitor. Do not use oximes such as 2-PAM. Start by giving 2 mg. atropine intramuscularly. According to clinical response, continue until signs of atropinization occur (dry mouth or dilated pupils). If in eye, instill one drop of homatropine.

For Emergency Assistance Call (800) 331-3148.

PRECAUTIONARY STATEMENTS
Hazards to Humans (and Domestic Animals)

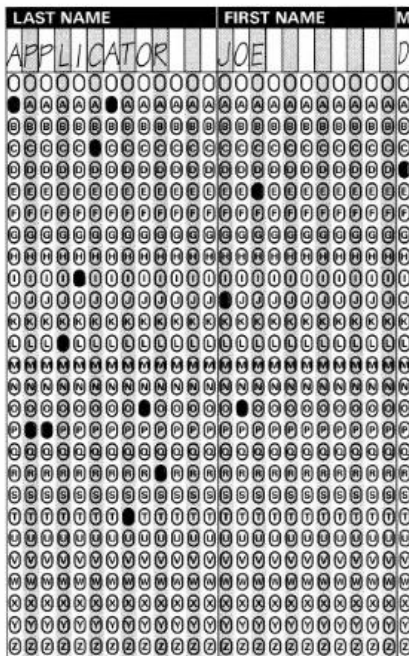
Danger
Poisonous if swallowed or inhaled. May be fatal or harmful as a result of skin or eye contact or by breathing spray mist. Causes cholinesterase inhibition. Warning symptoms of poisoning include weakness, headache, sweating, nausea, vomiting, diarrhea, tightness in chest, blurred vision.



Recent rule updates



- ~~UNDER 18~~ Minimum age
- Specific training for **high risk application methods or chemicals** (aerial, structural fumigation, predator control/m-44)
- Requires safety **training for noncertified applicators** working under direct supervision of a certified applicator.
- Stronger exam requirements
- More options for certification in **Indian country.**



New options for tribal certification

1. Tribal-EPA Agreement (MOU with a State)

- Tribe authorizes state certification as valid
- Written agreement with Region addresses inspection/enforcement.

2. Tribal Certification (Tribal Plan)

- Certifications Issued by a tribe
- Can be based on a state certification
- Tribe must have authority to enforce

3. EPA Plan (Federal Plan)

- Certification issued by EPA, based on a state certification
- Federal compliance monitoring and enforcement.

4. Opt-out of the EPA Plan = No use of RUP allowed.

Opt-out of the EPA Certification Plan:

The Agency will not implement the EPA Plan for any area of Indian country where the chairperson or equivalent elected leader of the relevant tribe provides the Agency a written statement of the tribe's position that the EPA Plan should not be implemented per 40 CFR § 171.307(c)(2).

Decision point – no deadline

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Resources

- Visit USEPA Website <https://www.epa.gov/pesticide-applicator-certification-indian-country>

- Join a consultation call

Session 1: Wednesday, Feb. 26th from 12:00pm-2:00pm (ET)

Skype Link: <https://meet.lync.com/usepa/ryan.emily/9KT9285D>

Conference Line: 866-299-3188; Code: 202-566-0603

Session 2: Monday, April 6th from 12:00pm-2:00pm (ET)

Adobe Connect Link: <https://meet.lync.com/usepa/ryan.emily/CYPVY5SZ>

Conference Line: 866-299-3188; Code: 202-566-0603

Publishing in Tribal database...??

Publishing FR notice for public comment

- Contact Katy Wilcoxen, USEPA R9

(415) 947-4205

Wilcoxen.katy@epa.gov



Anyone who applies **RUPs** in Indian country must have a **Federal** certification

- Issued by EPA Region 9
- Based on a valid state certification.
- No additional training
- Free
- Federal certification enforced by EPA.

