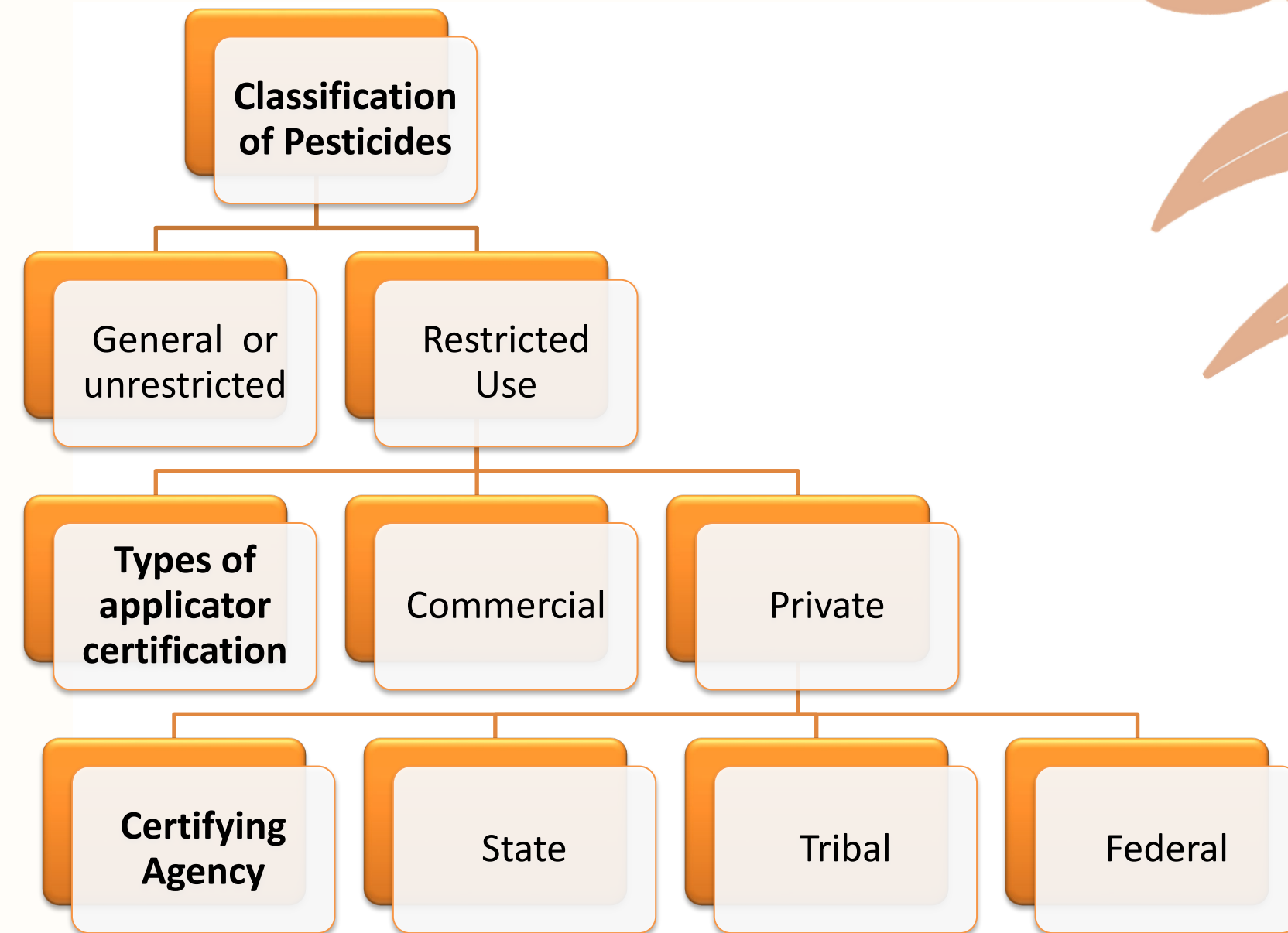


# Restricted Use Pesticides in Indian Country

## Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)

EPA must ensure “no unreasonable adverse effects” result from use of registered pesticides



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# Restricted Use Pesticides in Indian Country Uses and Risks

**RESTRICTED USE PESTICIDE**  
DUE TO ACUTE TOXICITY  
FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS –  
NOT TO BE USED BY UNCERTIFIED PERSONS  
WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR.

*1,000,000 certified  
applicators nationwide*

*80,000 in Region 9*

## Types of pest control

- Agriculture
- Habitat restoration
- Stored commodities
- Water treatment
- Structural pest control – homes, businesses, casinos, pre-construction

## High potential to harm:

- Farm workers
- Residents
- Sensitive sites.
- Domestic and wild animals
- Honeybees
- Water sources



# Restricted Use Pesticides in Indian Country

## Certification of Applicators

### Tribal-EPA Agreement

- Tribe relies on state certifications
- Must address inspections and enforcement

### Tribal Certification

- Certifications Issued by a Tribe
- Must address inspections and enforcement

### Opt-out

- Prohibit RUPs

### Federal certification

- Issued by EPA Regions
- Relies on state certifications for commercial applicators
- Allows Private applicators (farmers) to complete an EPA training
- Federal inspections and enforcement

Federal certification is not required and not valid within these tribal jurisdictions:

The Cheyenne River Sioux Tribe (South Dakota)

Three Affiliated Tribes of the Fort Berthold Reservation (North Dakota)

Santee Sioux Nation (Nebraska)

White Earth Band of Minnesota Chippewa (Minnesota)

Prairie Band of Potawatomi Nation (Kansas)

Yurok Tribe (California) – *No RUPs allowed*

750 Federally certified applicators nationwide

55 federal n Region 9

# Restricted Use Pesticides in Indian Country

## Concerns

- Burden is on tribes to prohibit RUPs
- State incursion on tribal jurisdictions
- Federal enforcement presence
- Sovereignty not well understood
- Allows private applicators (farmers) to take EPA training instead of a state exam

## Key Messages to RUP applicators

- You are a guest
- You must follow tribal and federal law
- Each tribal government is unique
- Be aware
  - Tribal pesticide codes, ordinances, systems
  - Protected rights and activities: hunting, fishing, gathering
  - Culturally sensitive species or sites
- It is your responsibility to contact the specific tribal government before working within their jurisdiction



