

TEXAS A&M AGRILIFE EXTENSION

EPA's Revisions to the Applicator Certification Rule

EPA's Proposed Revisions to the Applicator Certification Rule



August 2015

Certification Overview

- The federal Certification of Pesticide Applicators Rule has been in place since 1974
 - Establishes requirements for determining the competency of applicators of restricted use pesticides (RUPs)
 - Sets standards for States, Tribes and Federal agencies to administer programs to certify applicators
- The Certification rule covers private applicators, commercial applicators, and those using RUPs under their direct supervision

Reasons for Rule Change

- Pesticide Exposure and Incidents
 - Current pesticide illnesses to applicators and the public incidents may be avoidable
 - Studies show possible associations between pesticide exposure and adverse health effects
- Negative Environmental Impacts
 - Data on the damage associated with ecological incidents are difficult to capture and quantify
 - Review of EPA's ecological incident database found 245 incidents from 2009 through 2013 where use of RUPs/likely RUPs damaged crops or killed fish, bird, bees, or other animals

Goals for the Proposed Revisions

- Reduce adverse effects resulting from avoidable pesticide exposures
- Ensure applicators meet the level of competency EPA assumes when registering a product as restricted use
- Encourage reciprocity between states to reduce burden on applicators and state certification programs

PROPOSED RULES	CURRENT TEXAS RULES	Impact?
Increase Private applicator competency standards to be the same as those for a commercial applicator including passing a written exam.	Texas has similar requirements for all pesticide applicators	No
Delete provision to allow non-readers to be certified as a private applicator.	Texas does not allow testing for any pesticide exam if the person cannot read and pass the certification exam(s) in English.	No
Establish application method-specific categories for private and commercial applicators (soil fumigation, non-soil fumigation and aerial).	Texas has application method-specific categories for Private (soil fumigation and aerial) and commercial/noncommercial applicators (soil fumigation, non-soil fumigation & aerial)	Yes – add non-soil fumigation for private
Establish predator control categories for commercial and private application certification	Current LPC and M-44 predator categories for both private and commercial/noncommercial applicators	No
Identification required for certification or recertification and all certification exams be closed book and proctored	A government-issued identification is to be presented prior to taking a pesticide certification exam. No identification is currently required to obtain CEU credits for recertification purposes. All pesticide certification exams are closed book and proctored.	Yes – recertification process change
Direct Supervision – annual training requirement on specific topics; WPS handlers are exempt; non-certified persons who have passed the core certification exam for commercial applicators	Non-certified/licensed applicators may make applications under the direct supervision of a licensed applicator when the supervising applicator has explained all aspects of the label of the product to be used and the supervised person signs and dates the label or signs and dates a specific form for this purpose. Ag handlers should be compliant with WPS except for sites that are exempt from WPS (pasture, rangeland, etc). Annual retraining requirement however annual training is not currently required for WPS.	No Yes – annual training requirement for WPS Tracking of core exams without a license and 3 year training renewal exam

Federal Proposed Rules	Current Texas Rules	Impact?
Establish training requirements for training providers (applies to noncertified applicators e.g. those making applications under the direct supervision of a certified applicator) *Certified applicator *State-designated trainer of certified applicators *A person who has completed a train-the-trainer course under WPS	SPCS has specific training requirements that must be conducted by a certified applicator. Ag requires supervising applicators to be licensed as a Private, Commercial or Noncommercial applicator. Certified Private applicators may not supervise others' use of RUPs.	Yes – How will trainer verification be tracked? For what period of time if not associated with license?
Establish specific requirements for a certified applicator supervising noncertified applicators. *Provide label & site specific info *Have means available for immediate communication between supervisor and noncertified applicators	Ag allows training provided by the supervising licensed applicator (private or commercial/noncommercial). WPS worker/handler may be trained by a licensed applicator or a person who has completed a train-the-trainer WPS course. Category specific supervision is already required. Supervisor must be licensed. (Certified privates may not supervise) Licensed supervisor must be available if needed No on-site requirement Specific training requirements more in depth Restrictions on supervising from same local office – unless on-site Recordkeeping requirements of application made (private applicator supervising a non-licensed person on the property of the non-licensed person)	Yes – modification of rules to ensure all topics covered
Expand Commercial Applicator recordkeeping to include noncertified applicator training for 2 years	Ag regs incorporated this provision in 2015 for both Private and Commercial/noncommercial applicators.	No
Minimum age of 18 years old to be a certified commercial or private applicator	No age requirement in Ag regs.	Yes FLSA has 16 for ag and 18 for commercial

Federal Proposed Rules	Current Texas Rules	Impact?
Establish a minimum age of 18 years old for noncertified applicators working under the direct supervision of certified applicators	No age requirement to be a supervised applicator for Ag.	Yes
Establish a maximum certification period of 3 years.	Commercial/noncommercial applicators= one year certification (more restrictive) Private applicators = certification period of 5 years	Yes-Privates
One continuing education unit (CEU) is 50 minutes of active training time.	Ag regs changed in 2015. SPCS and Ag both require 50 minutes = One CEU	No
To renew certification, commercial applicators must earn 6 CEUs covering core content and 6 CEUs per category of certification, or they must pass written exams for core and each category of certification.	Commercial and Noncommercial applicators must currently earn 5 CEUs annually including at least 1 CEU in two of the following categories: IPM, Laws & Regs, Drift Minimization. To maintain the aerial category, the applicator must have 3 of the required 5 CEUs associated with aerial applications including Laws & Regs, Drift Minimization and Human Factors (pesticide safety for aerial applicators).	Yes
To renew certification, private applicators must earn 6 CEUs covering the general private applicator certification requirements and 3 CEUs per category of certification, or they must pass written exams for general private applicator certification and each category of certification.	No per category recertification requirements for Private applicators. 15 CEUs required within 5 year period with at least 2 CEUs in laws and regs and 2 CEUs in IPM. Taking a "Recertification" exam is an option for Privates.	Yes
Applicators must earn at least half of the required CEUs in the 18 months preceding the expiration of their certification.	Since Commercial/noncommercial applicators renew/recertify annually, CEUs are taken within a 12 month period (more restrictive) Private applicators have no current time restriction to obtain CEUs other than within the 5 year certification period.	Yes



TDA Pesticide Program Fee Increases

TDA New License Fees

- Private applicator - \$60 to **\$100**
- Noncommercial - \$120 to **\$140**
- Commercial - \$180 to **\$200**
- Noncommercial political - \$12 to **\$75**
- Exam fees - \$64 each (all exams)

Fee Increases

- Pesticide registration - \$420 - \$600 (2 yrs)
- Pesticide dealers - \$240 - \$250 (2 yrs)

SPCS New License Fees

- Business license- \$224 to **\$300**
- Certified applicator - \$108 to **\$125**
- Technician - \$81 to **\$125**

EPA Announces Revisions to WPS

EPA is finalizing updates and revisions to the existing worker protection regulation for pesticides. This final rule will enhance the protections provided to agricultural workers, pesticide handlers, and other persons under the Worker Protection Standard (WPS) by strengthening elements of the existing regulation, such as training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and the provision of supplies for routine washing and emergency decontamination.

EPA expects this final rule to prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide handlers, vulnerable groups (such as minority and low-income populations, child farmworkers, and farmworker families) and other persons who may be on or near agricultural establishments, and to mitigate exposures that do occur.



In order to reduce compliance burdens for family-owned farms, in the final rule EPA has expanded the existing definition of "immediate family" and continued the existing exemption from many provisions of the WPS for owners and members of their immediate families.

Some major changes to the current WPS will include:

- First-time ever minimum age requirement: Children under 18 are prohibited from handling pesticides.
 - Changes in personal protective equipment will be consistent with DOL's standards for ensuring respirators are effective, including fit test, medical evaluation and training.
 - Continue the exemption for farm owners and their immediate families with an expanded definition of immediate family.
 - Mandatory record-keeping to improve states' ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
 - Requirement to provide more than one way for farmworkers and their representatives to gain access to pesticide application information and safety data sheets – centrally-posted, or by requesting records.
 - Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.
- These changes will begin January 4, 2016. Full enforcement of changes will officially begin on January 4, 2017 (except for the expanded training content and the new exclusion zone requirement which will be enforced after January 4, 2018). The farm owners and employers will have a one year grace period to make all appropriate changes before they are subject to fines/penalties from regulatory agencies if not in compliance come 2017.

Free Herbicide Resistance Screening

- Any producers who suspect they have weed resistance and want to confirm whether they have a problem, this is a great opportunity.
- Weed Scientist at College Station, Dr. Muthu Bagavathiannan, is doing free herbicide resistance screening.

Lone Star Herbicide Resistance Screening Program

**Not detecting resistance early enough can be a costly mistake!
We test the samples as a complementary service at no cost to you!
Just ship the seed to us and we will send you the results.**

Please include the following details with the shipment:

Weed species collected*: pigweed, etc.

Crop in which the weed was found: cotton, corn, wheat, etc.

Location of the field: county, specific address/intersections or GPS location (if possible)

Suspected resistance: to which herbicides

Management history: the crop rotation and herbicide program, if known

Contact details: your name, phone number and e-mail

*collect seed from about 10-15 plants within the suspected resistant patch, put them in a paper bag (avoid ziplocks if you can) and dry them as much as you can before you ship

Ship your samples to:

Dr. Muthu Bagavathiannan, Texas A&M University, 370 Olsen Blvd - Mail stop 2474, College Station, TX-77843-2474

Contact:

Dr. Muthu Bagavathiannan | Office: 979-845-5375 | Cell: 479-387-1674 | E-mail: muthu@tamu.edu