State Certification Plan Checklist

This document is intended to serve as a companion checklist for the model outline document for the order and contents of state certification plans. It is intended for use by the State Lead Agency certifying authorities to assist with the development and submission of their modified State Plans for the Certification of Pesticide Applicators that must be submitted to EPA by March 4, 2020.

_____ **SECTION 1. CERTIFICATION PLAN ADMINISTRATION. [§171.303(b)(6)(i), (iii), and (iv)]** The plan must provide the following information about the administration of their certification plan and program(s) within the state:

> _____ **(a) STATE LEAD AGENCY DESIGNATION (GOVERNOR LETTER) AND POINT OF CONTACT. [§171.303(b)(6)(i)]** The plan must include a written statement from the Governor designating the lead agency as responsible for administering the plan, and must name the State Lead Agency (SLA) and contact with primary responsibility for submission and implementation of the plan and for coordination with all other agencies or organizations that are involved in administering portions of the plan in the state.
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> _____ **(b) OTHER AGENCIES AND CONTACTS. [§171.303(b)(6)(i)]** The plan must identify all other cooperating agencies responsible for applicator certification and the functions performed by each including compliance monitoring and enforcement responsibilities.
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> _____ **(c) QUALIFIED PERSONNEL. [§171.303(b)(6)(iii)]** The plan must provide a list of qualified personnel (positions or job titles, NOT names of staff), including number of staff, job titles and job functions of the SLA staff involved in the applicator certification program, and the staff of all cooperating agencies or organizations involved in the applicator certification program.
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> _____ **(d) SUFFICIENT RESOURCES. [§171.303(b)(6)(iv)]** The plan must include a statement affirming the commitment of the lead agency and cooperating agencies/organizations to ensure they'll have sufficient resources to carry out the program as outlined in their plan.

_____ **SECTION 2. LEGAL AUTHORITIES. [§171.303(b)(6)(ii) and §171.303(b)(7)(i)-(vii)]** The plan must provide the following information on legal authorities:

> _____ (a) WRITTEN OPINION. [§171.303(b)(6)(ii)] The plan must include a written opinion from the state attorney general or from the legal counsel of the SLA that states that the lead agency and other cooperating agencies have the legal authority necessary to carry out the certification plan.
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> _____ (b) LAWS AND REGULATIONS. [§171.303(b)(7)] The plan must include a complete copy of all state laws and regulations relevant to the certification plan.

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_____ (c) PROVISIONS FOR GROUNDS FOR DENYING, SUSPENDING OR REVOKING A CERTIFICATION. [§171.303(b)(7)(i)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for and listing of the acts which would constitute grounds for denying, suspending or revoking a certification.

_____ (d) PROVISIONS FOR REVIEWING, SUSPENDING AND REVOKING A CERTIFICATION. [§171.303(b)(7)(ii)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for reviewing and where appropriate, suspending or revoking an applicator's certification based on the grounds listed in the plan.

_____ (e) PROVISIONS FOR ASSESSING CIVIL AND CRIMINAL PENALTIES. [§171.303(b)(7)(iii)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for assessing criminal and civil penalties for violations of the laws and regulations relevant to the plan.

_____ (f) PROVISIONS FOR RIGHT OF ENTRY FOR INSPECTIONS. [§171.303(b)(7)(iv)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for right of entry by consent or warrant by State officials at reasonable times for sampling, inspection and observation purposes.

_____ (g) PROVISIONS FOR MAKING IT UNLAWFUL TO APPLY RUPs UNLESS CERTIFIED. [§171.303(b)(7)(v)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for making it unlawful for persons to use RUPs other than certified or noncertified applicators working under the supervision of a certified applicator.

_____ (h) PROVISIONS FOR COMMERCIAL APPLICATOR RECORDKEEPING. [§171.303(b)(7)(vi)] The plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for requiring commercial applicators to record and keep routine operational records for at least two years and that such records will be available to appropriate State officials.

_____ (i) PROVISIONS FOR RUP DEALER RECORDKEEPING. [§171.303(b)(7)(vii)] The state must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions requiring RUP retail dealers to record and maintain at each individual dealership for at least two years, records of each transaction where an RUP is distributed or sold to any person.

_____ **SECTION 3. COMMERCIAL APPLICATOR CERTIFICATION CATEGORIES. [§171.101, §171.103, §171.303(a)(2), §171.303(a)(3), §171.303(b)(2) and §171.303(b)(2)(ii)(A)]** States must provide a list of their commercial applicator certification category and subcategory names and descriptions. States must provide the required documentation as outlined below adopting either option one or option two.

_____ **OPTION 1: STATE ADOPTS EPA'S FEDERAL CATEGORIES AND STANDARDS.** If the state had adopted the Federal commercial applicator categories and standards outright with no changes, the state must include a statement that the state has adopted the EPA standards for commercial applicator

certification at § §171.101 and 171.103 as is, and the state must also provide the appropriate citations for the state laws and/or regulations demonstrating such action.

_____ **Federal Commercial Applicator Categories Adopted by the State**

OR

_____ **OPTION 2: STATE ADOPTS ITS OWN COMMERRCIAL APPLICATOR CATEGORIES AND STANDARDS.** If the state had adopted its own categories and standards, then the state must provide a statement that the state has adopted its own standards (that meet or exceed federal standards at § §171.101 and 171.103) and provide all the following:

_____ A list and detailed description of all categories and subcategories and the citations for the state laws and/or regulations. States must provide the list of state categories/subcategories in the table below, along with the category/subcategory description and an indication of the closest comparable EPA Federal category.

_____ A list and detailed description of the category standards for certification adopted by the state and the citations for the state laws and/or regulations.

_____ **State Commercial Applicator Categories/Subcategories**

_____ **SECTION 4. PRIVATE APPLICATOR CERTIFICATION CATEGORIES. [§171.105, §171.303(a)(2), §171.303(a)(3), §171.303(b)(3) and §171.303(b)(3)(i), and §171.303(b)(3)(ii)]** States must provide a list of their private applicator certification category and subcategory names and descriptions. States must provide the required documentation as outlined below adopting either option one or option two.

_____ **OPTION 1: STATE ADOPTS EPA'S FEDERAL CATEGORIES AND STANDARDS.** If the state had adopted the Federal private applicator categories and standards outright with no changes, the state must include a statement that the state has adopted the EPA standards for private applicator certification at § §171.105 as is, and the state must also provide the appropriate citations for the state laws and/or regulations demonstrating such action.

_____ **Federal Private Applicator Categories Adopted by the State:**

OR

_____**OPTION 2: STATE ADOPTS ITS OWN PRIVATE APPLICATOR CATEGORIES AND STANDARDS.** If the state had adopted its own categories and standards for private applicators, then the state must provide a statement that the state has adopted its own standards (that meet or exceed federal standards at § 171.105) and provide all the following:

_____ A list and detailed description of all private applicator categories and subcategories and the citations for the state laws and/or regulations. States must provide the list of state categories/subcategories in the table below, along with the category/subcategory description and an indication of the closest comparable EPA Federal category.

_____ A list and detailed description of the category standards for certification adopted by the state and the citations for the state laws and/or regulations.

_____ **State Private Applicator Categories/Subcategories:**

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_____ **SECTION 5. LIMITED USE CERTIFICATION CATEGORIES [IF APPLICABLE]. [§171.303(a)(4), §171.303(b)(2) and §171.303(b)(2)(ii)(A)]** States must provide a list of all limited use categories the state has adopted for commercial applicators and the standards of competency for any such categories. For each limited use category, the state must provide all the following:

_____ (a) The limited use category name and category description.
_____ (b) An explanation of why it is not practical to include the commercial applicator limited use category within any of the federal commercial applicator categories in §171.101 and their associated category-specific standards of competency in §171.103(d) or within any comparable state categories and standards.

_____ **SECTION 6. STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS. [§171.101, §171.103, §171.303(a)(1), §171.303(a)(3), §171.303(b)(2) and §171.303(b)(2)(ii)(A)-(C)]** States must provide documentation of their commercial applicator certification standards meeting or exceeding the Federal commercial applicator certification standards prescribed by EPA under §§171.101 and 171.103. States must provide the required documentation as outlined below adopting either option one or option two.

_____ **OPTION 1: STATE ADOPTS EPA'S FEDERAL STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS.** If the state had adopted all the Federal commercial applicator certification standards outright with no changes, the state must include a statement that it has adopted the EPA standards for commercial applicator certification at § §171.101 and 171.103 as is, and provide the appropriate citations for the state laws and/or regulations demonstrating such action.

OR

_____ **OPTION 2: STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS.** If the state had adopted its own standards for commercial applicator certification, then the state must provide a statement that it has adopted its own standards that meet or exceed federal standards at § §171.101 and 171.103 and provide all the following:

_____ **(a) MINIMUM AGE REQUIREMENT. [§171.103(a)(1)]** Documentation that the state has adopted a minimum age requirement for commercial applicator certification of at least 18 years old.

_____ **(b) CORE STANDARDS OF COMPETENCY. [§171.103(c)]** Documentation that the state has adopted core standards of competency that meet or exceed federal standards at § §171.101 and 171.103.

_____ **(c) EXAMINATION STANDARDS. [§171.103(a)(2)]** A detailed description of the state's certification examination standards for commercial applicators and an explanation and documentation of how they meet/exceed federal exam administration standards at §171.103(a)(2) (and listed in Appendix A), including a description of any alternative identification that a state will authorize for qualification for certification in addition to a valid, government-issued photo identification.

_____ **(d) STANDARDS FOR LIMITED USE CATEGORY CERTIFICATION, IF APPLICABLE. [§171.103(a)(4), §171.103(a)(4)(iii) and §171.103(a)(4)(v)]** States must provide all the following documentation if they have established any limited use category certifications:

_____ Documentation that the state has adopted core standards of competency that meet or exceed federal standards at § §171.101 and 171.103 and a requirement that candidates for certification in a limited use category pass the written examination covering the core standards at § 171.103(c) and demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of restricted use pesticide(s) covered by the limited use category.

_____ A detailed description of the process by which applicators must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of the restricted use pesticides authorized under the limited use category based on the competency standards identified in Section 5 of the plan.

_____ **(e) EXCEPTIONS, IF APPLICABLE. [§171.103(e)]** States must provide a detailed description and documentation of any exceptions to the state certification requirements for commercial applicators (e.g., persons conducting laboratory research involving restricted use pesticides and/or Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of the ordinary practice of those professions).

_____ **SECTION 7. STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS. [§171.105, §171.303(a)(1), §171.303(a)(3), §171.303(b)(3) and §171.303(b)(3)(ii)-iv)]** States must provide documentation of their private applicator certification standards meeting or exceeding the Federal private applicator certification standards prescribed by EPA under §171.105. States must provide the required documentation as outlined below adopting either option one or option two.

_____ **OPTION 1: STATE ADOPTS EPA'S FEDERAL STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS.** If the state had adopted all the Federal private applicator certification standards outright with no changes, the state must include a statement that it has adopted the EPA standards for private applicator certification at §171.105 as is, and provide the appropriate citations for the state laws and/or regulations demonstrating such action.

OR

_____ **OPTION 2: STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS.** If the state had adopted its own standards for private applicator certification, then the state must provide a statement that it has adopted its own standards that meet or exceed federal standards at §171.105 and provide all the following:

_____ **(a) MINIMUM AGE REQUIREMENT. [§171.105(g)]** Documentation that the state has adopted a minimum age requirement for private applicator certification of at least 18 years old.

_____ **(b) CORE STANDARDS OF COMPETENCY. [§171.105(a)]** Documentation that the state has adopted general core standards of competency that meet or exceed federal standards at §171.105(a).

_____ **(c) DETERMINATION OF COMPETENCY AND EXAMINATION STANDARDS. [§171.105(h)]**

_____ If private applicator certification is based on examination, states must provide a detailed description of the state's certification examination standards for private applicators and an explanation and documentation of how they meet/exceed federal exam administration standards at §171.103(a)(2) and listed in Appendix A, including a description of any alternative identification that a state will authorize for qualification for certification in addition to a valid, government-issued photo identification.

_____ If private applicator certification is based upon training, states must provide a detailed explanation of how the quantity, content, and quality of the state's training program ensure that a private applicator demonstrates the level of competency required § 171.105 for private applicators.

_____ **(d) EXCEPTIONS, IF APPLICABLE. [§171.105(i)]** States must provide a detailed description and documentation of any exceptions to the state private applicator certification requirements in (e.g., persons conducting laboratory research involving restricted use pesticides and/or Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of the ordinary practice of those professions).

_____ **SECTION 8. RECERTIFICATION STANDARDS. [§171.107, §171.303(a)(6) and §171.107.303(b)(4)]** States must provide documentation that the state standards for the recertification of applicators of restricted use pesticides meet or exceed those standards prescribed by the Agency under § 171.107 (and listed in Appendix B).

_____ **SECTION 9. STANDARDS FOR THE DIRECT SUPERVISION OF NONCERTIFIED APPLICATORS. [§171.201, §171.303(a)(7) and §171.303(b)(5)]** States must provide documentation that their standards for the direct supervision of noncertified applicators by certified private and commercial applicators of restricted use pesticides meet or exceed those standards prescribed by the Agency under § 171.201 (and listed in Appendix C). Documentation required is outlined for each of the following three options available to states.

_____ **OPTION 1: STATE PROHIBITS APPLICATION BY NONCERTIFIED APPLICATORS.** If the state has adopted provisions prohibiting noncertified applicators from using restricted use pesticides under the direct supervision of certified private and/or commercial applicators, then the state must provide a statement that it prohibits noncertified applicators from using restricted use pesticides under the direct supervision of certified private and/or commercial applicators, and a citation of the specific state laws and/or regulations demonstrating that it has adopted such a prohibition.

OR

_____ **OPTION 2: STATE ADOPTS EPA'S FEDERAL STANDARDS FOR DIRECT SUPERVISION.** If the state has adopted the Federal standards for direct supervision of noncertified

applicators by certified private and/or commercial applicators prescribed by the Agency under § 171.201, then the state must provide a statement that it has adopted the standards for direct supervision of noncertified applicators by certified private and/or commercial applicators prescribed by the Agency under § 171.201 and a citation of the specific state laws and/or regulations demonstrating that the state has adopted such standards.

OR

_____ **OPTION 3: STATE ADOPTS ITS OWN STANDARDS FOR DIRECT SUPERVISION.** If the state has adopted its own standards for direct supervision of noncertified applicators by certified private and/or commercial applicators, then the state must provide a statement that it has adopted its own standards that meet or exceed federal standards at §171.201 (and listed in Attachment C), and a detailed explanation of how the state standards for direct supervision meet or exceed the standards prescribed by the Agency under § 171.201, including all the following:

_____ Requirements for the certified applicator and supervisor responsibilities

_____ Requirements of the noncertified applicator under supervision, including documenting requirements for a minimum age requirement of 18 for noncertified applicators (or 16 years old if the supervisor is a certified private applicator who is an immediate family member and the restricted use pesticide is not a fumigant, sodium cyanide, sodium fluoroacetate, or applied aerially)

_____ Noncertified applicator qualifications

_____ Noncertified applicator training program(s)

_____ Recordkeeping requirements for noncertified applicator training

_____ Exceptions, if any (e.g., Doctors of Medicine and Doctors of Veterinary Medicine)

_____ **SECTION 10. CREDENTIALS. [§171.303(a)(8) and 303(a)(4)(vii)]** States must provide a description of the credentials or documents the state certifying authority will issue to each certified applicator verifying certification.

_____ If applicable, states must also describe the limited use certification credential. The limited use credential must clearly state that the applicator is only authorized to purchase and use the specific restricted use pesticide(s) identified in that credential.

_____ **SECTION 11. RECIPROCITY. [§171.303(a)(9)]** A State may waive any or all the procedures specified in §171.103, §171.105, and §171.107 when certifying applicators in reliance on valid current certifications issued by another State, Tribal, or Federal agency under an EPA-approved certification plan. The state must provide an explanation below of whether, and if so, under what circumstances, the state will certify applicators based in whole or in part on their holding a valid current certification issued by another State, Tribe or Federal agency.

_____ **SECTION 12. REPORTS TO EPA. [§171.303(c)]** The State must provide a statement that it agrees to submit reports to the Agency in a manner and containing the information that the Agency requires.

_____ **SECTION 13. IMPLEMENTATION TIMEFRAME. [§171.303(b)(6)(v)]** The state must provide below a schedule/document outlining the state's proposed approach and anticipated timeframe for implementing the certification plan after EPA approval of the plan. The document should clearly indicate the state's schedule for completing any legislative and regulatory changes necessary to implement the plan and the timeframes for

completing implementation of all the state plan components and requirements (e.g., adoption of new procedures, completion of revision of exams and training materials, etc.) such that the state is in full compliance with the Part 171 revisions.

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