State Certification Plan Outline

This document serves as a model outline for the order and contents of state certification plans. It is intended for use by the State Lead Agency certifying authorities to assist with development of modified State Certification Plans for the Certification of Pesticide Applicators due to EPA by March 4, 2020.

SECTION 1. CERTIFICATION PLAN ADMINISTRATION. [§171.303(b)(6)(i), (iii), and (iv)] The State's 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 state plan must include a written statement from the Governor designating the lead agency as responsible for administering the state plan. **This should be included with the plan as Attachment 1.** The plan must identify the State Lead Agency (SLA) that will have primary responsibility for submission and implementation of the state certification plan and for coordination with all other agencies or organizations that are involved in administering portions of the C&T Plan in the state. Provide the name, job title, email address, mailing address and phone number for the primary contact for the SLA for the certification plan. **[NOTE: States may submit a copy of the previous Governor letter that was submitted with their current EPA-approved plan if the original designation hasn't changed.]**

SLA name:
SLA primary contact name:
SLA primary contact title:
Email address for SLA primary contact:
Phone number for SLA primary contact:
Mailing address for SLA primary contact:

(b) OTHER AGENCIES AND CONTACTS. [§171.303(b)(6)(i)] The state plan must identify all other cooperating agencies responsible for applicator certification and the functions performed by each including compliance monitoring and enforcement responsibilities. A Cooperating Agency is defined as an agency that actively performs duties related to pesticide applicator certification and/or training. For each cooperating agency the SLA must: 1) provide the names of the cooperating agency involved in certification-related activities; 2) the role of the cooperating agency (e.g., Public Health pest control certification, applicator training, compliance and enforcement for public health pest control, etc.); 3) the primary contact for the cooperating agency including the name, job title, email address, mailing address and phone number for the primary contact; and 4) a thorough explanation of how the lead agency will coordinate with the other cooperating agencies to ensure consistency and that the plan is carried out so certification programs meet the required standards.

Cooperating agency name:
Cooperating agency role:
Name of primary contact:
Title of primary contact:
Email address for primary contact:

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Phone number for primary contact:
Mailing address for primary contact:
Explanation of agency coordination process:

(c) QUALIFIED PERSONNEL. [§171.303(b)(6)(iii)] The state 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.

SLA personnel: [Add rows if needed]

POSITION TITLE	FUNCTION	NUMBER OF FTE

Cooperating agency personnel: [Add rows if needed]

POSITION TITLE	FUNCTION	NUMBER OF FTE

(d) SUFFICIENT RESOURCES. [§171.303(b)(6)(iv)] The state 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.

State Affirmation Statement: [INSERT HERE]

SECTION 2. LEGAL AUTHORITIES. [§171.303(b)(6)(ii) and §171.303(b)(7)(i)-(vii)] The state plan must include all of the following:

(a) WRITTEN OPINION. [§171.303(b)(6)(ii)] The state 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 state certification plan. **This should be included with the plan as Attachment 2-A.**

(b) LAWS AND REGULATIONS. [§171.303(b)(7)] The state plan must include a complete copy of all state laws and regulations relevant to the certification plan. **These should be included with the plan as Attachment 2-B.**

(c) PROVISIONS FOR GROUNDS FOR DENYING, SUSPENDING OR REVOKING A CERTIFICATION. [§171.303(b)(7)(i)] The state 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. At a minimum, include misuse of a pesticide, falsifications of records required to be maintained by the certified applicator, a criminal conviction under section 14(b) of FIFRA, a final order imposing civil penalty under section 14(a) of FIFRA, and conclusion of a State enforcement action for violations of State laws or regulations relevant to the State Certification Plan. **The citation and copy of the specific provision should be included with the plan as Attachment 2-C.**

(d) PROVISIONS FOR REVIEWING, SUSPENDING AND REVOKING A CERTIFICATION. [§171.303(b)(7)(ii)] The state 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 (for denying, suspending, and revoking certification of applicators) or a criminal conviction under section 14(b) of FIFRA, a final order imposing civil penalty under section 14(a) of FIFRA, or conclusion of a State enforcement action for violations of State laws or regulations relevant to the State Certification Plan. **The citation and copy of the specific provision should be included with the plan as Attachment 2-D.**

(e) PROVISIONS FOR ASSESSING CIVIL AND CRIMINAL PENALTIES. [§171.303(b)(7)(iii)] The state 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 Certification Plan. **The citation and copy of the specific provision should be included with the plan as Attachment 2-E.**

(f) PROVISIONS FOR RIGHT OF ENTRY FOR INSPECTIONS. [§171.303(b)(7)(iv)] The state 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. **The citation and copy of the specific provision should be included with the plan as Attachment 2-F.**

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(g) PROVISIONS FOR MAKING IT UNLAWFUL TO APPLY RUPs UNLESS CERTIFIED. [§171.303(b)(7)(v)] The state 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. **The citation and copy of the specific provision should be included with the plan as Attachment 2-G.**

(h) PROVISIONS FOR COMMERCIAL APPLICATOR RECORDKEEPING. [§171.303(b)(7)(vi)] The state 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. At a minimum, records must contain for each restricted use pesticide application:

- Name and address of person for whom it was applied.
- Application – location, size of area treated; crop, commodity, stored product or site; time and date of application.
- RUP - brand or product name, EPA registration number, total amount applied per location per application;
- Certified applicator – name and certification number, if a supervised application the name of the noncertified applicator.
- Requirement of commercial applicators to create or verify existence of records of noncertified applicator qualifications.

The citation and copy of the specific provision should be included with the plan as Attachment 2-H.

(i) PROVISIONS FOR RUP DEALER RECORDKEEPING. [§171.303(b)(7)(vii)] The state plan 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, excluding transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities. Records must include:

- For each RUP distributed or sold, the name and address of residence or principal place of business of each certified applicator, or if applicable of the noncertified applicator for application by a certified applicator.
- From the certification document presented to the seller on the valid certification issued by the State, Tribe or Federal agency authorizing the certified applicator to purchase the RUP – the certification number, expiration date and certification categories of the certified applicator that are relevant to the pesticide sold.
- The product name and EPA registration number of the RUP distributed or sold in the transaction, including any applicable emergency exemption of State special local need registration number.
- The quantity of the RUP distributed or sold in the transaction.

The citation and copy of the specific provision should be included with the plan as Attachment 2-I.

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 provide the appropriate citations for the state laws and/or regulations demonstrating such action. **The citation and copy of the specific provisions that accomplish the adoption of the Federal categories and standards should be included with the plan as Attachment 3.**

State Affirmation Statement: [INSERT HERE]

Federal Commercial Applicator Categories Adopted by the State: [Add rows if needed] [NOTE: If the state had adopted all Federal categories, it may include a statement that is the case rather than list all Federal categories. If the state has adopted only a subset of the Federal categories, then the state must list the Federal categories adopted below:

FEDERAL CATEGORIES ADOPTED	ADOPTED FEDERAL STANDARDS (Y/N)	STATE LAW/REG CITATION

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 of 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.

The citation and copy of the specific provisions that document adoption of the state categories and standards should be included with the plan as Attachment 3.

State Affirmation Statement: [INSERT HERE]

State Commercial Applicator Categories/Subcategories: [Add rows if needed]

STATE CATEGORY/SUBCATEGORY NAME	STATE CATEGORY/SUBCATEGORY DESCRIPTION	CLOSEST COMPARABLE EPA FEDERAL CATEGORY

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 provide the appropriate citations for the state laws and/or regulations demonstrating such action. **The citation and copy of the specific provisions that accomplish the adoption of the Federal categories and standards should be included with the plan as Attachment 4.**

State Affirmation Statement: [INSERT HERE]

Federal Private Applicator Categories Adopted by the State: [Add rows if needed]
[NOTE: If the state had adopted all Federal categories, it may include a statement that is the case rather than list all Federal categories. If the state has only adopted only a subset of the Federal categories, then the state must list the Federal categories adopted below:

FEDERAL CATEGORIES ADOPTED	ADOPTED FEDERAL STANDARDS (Y/N)	STATE LAW/REG CITATION

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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.

The citation and copy of the specific provisions that document adoption of the state categories and standards should be included with the plan as Attachment 4.

State Affirmation Statement: [INSERT HERE]

State Private Applicator Categories/Subcategories: [Add rows if needed]

STATE CATEGORY/SUBCATEGORY NAME	STATE CATEGORY/SUBCATEGORY DESCRIPTION	CLOSEST COMPARABLE EPA FEDERAL CATEGORY

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 of the following:

(a) The limited use category name and category description. **States must provide the list of state limited use categories in the table below, along with the category description.**

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(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.
(c) The citation and copy of the specific provisions that document adoption of the state limited use categories and any associated category certification standards for the limited use categories should be included with the plan as Attachment 5.

STATE LIMITED USE CATEGORY NAME	STATE LIMITED USE CATEGORY DESCRIPTION	EXPLANTION/RATIONALE FOR LIMITED USE CATEGORY

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 the state 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. **The citation and copy of the specific provisions that accomplish the adoption of the Federal categories and standards should be included with the plan as Attachment 6.**

State Affirmation Statement: [INSERT HERE]

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 the state has adopted its own standards that meet or exceed federal standards at § §171.101 and 171.103 and provide all of 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. **The documentation must include the citation and copy of the specific provisions for adoption of the state minimum age requirements and should be included with the plan as Attachment 6-A.**

(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. **The documentation must include the citation and copy of the specific provisions that document that the state has adopted core standards of competency that meet or exceed federal standards and should be included with the plan as Attachment 6-B.**

(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. **The documentation must include the citation and copy of the specific provisions that document that the state has adopted examination standards that meet or exceed federal standards and should be included with the plan as Attachment 6-C.**

(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. States must provide a detailed description of the core standards of competency if they are different than those used for all other commercial applicator categories.
- 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. [NOTE: This does not have to be accomplished by a written examination.] **The documentation must include the citation and copy of the specific provisions that document that the state has adopted standards for limited use category certification that meet or exceed federal standards and should be included with the plan as Attachment 6-D.**

(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). **The documentation must include the citation and copy of the specific provisions that document that the state has adopted the exceptions to certification for commercial applicators and should be included with the plan as Attachment 6-E.**

State Affirmation Statement: [INSERT HERE]

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 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. **The citation and copy of the specific provisions that accomplish the adoption of the Federal categories and standards should be included with the plan as Attachment 7.**

State Affirmation Statement: [INSERT HERE]

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 the state 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. **The documentation must include the citation and copy of the specific provisions that document adoption of the state minimum age requirements and should be included with the plan as Attachment 7-A.**

(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). **The documentation must include the citation and copy of the specific provisions that document that the state has adopted general core standards of competency for private applicators that meet or exceed federal standards and should be included with the plan as Attachment 7-B.**

(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. This explanation must include at the minimum, all of the following factors:

- The quantity of training required to become certified as a private applicator.

- The content that is covered by the training and how the State ensures that required content is covered.
- The process the State uses to approve training programs for private applicator certification.
- How the State ensures the ongoing quality of the training program for private applicator certification.

The documentation must include the citation and copy of the specific provisions that document that the state has adopted examination standards or alternative determinations of competency that meet or exceed federal standards and should be included with the plan as Attachment 7-C.

(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). **The documentation must include the citation and copy of the specific provisions that document that the state has adopted the exceptions to certification and should be included with the plan as Attachment 7-D.**

State Affirmation Statement: [INSERT HERE]

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). Such documentation must include a statement that the state has adopted its own standards that meet or exceed the standards for recertification prescribed by the Agency under § 171.107 and a detailed description of all of the State standards for recertification of private and commercial applicators, including all the following:

- The certification period, which may not exceed five years.
- If recertification is based upon written examination, a description of the state's process for reviewing, and updating as necessary, the written examination(s) to ensure that the written examination(s) evaluates whether a certified applicator demonstrates the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.
- If recertification is based upon continuing education, an explanation of how the quantity, content, and quality of the State's continuing education program ensures that a certified applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators, including but not limited to:
    - (A) The quantity of continuing education required to maintain certification.
    - (B) The content that is covered by the continuing education program and how the state ensures the required content is covered.
    - (C) The process the state uses to approve continuing education courses or events, including information about how the state ensures that any continuing education courses or events verify the applicator's successful completion of the course or event.

- (D) How the state ensures the ongoing quality of the continuing education program.
- If the state has adopted use of limited use category certifications, then the state must provide a detailed description of the recertification standards for the limited use category and how those standards meet or exceed the standards prescribed by the Agency under § 171.107.

The documentation must include the citation and copy of the specific provisions that document the state has adopted standards for recertification that meet or exceed the Federal standards for recertification at §171.107 and should be included with the plan as Attachment 8.

State Affirmation Statement: [INSERT HERE]

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 state 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 the state 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 the state has adopted such a prohibition. The citation and copy of the specific provisions demonstrating that the state has adopted such a prohibition should be included with the plan as Attachment 9.

State Affirmation Statement: [INSERT HERE]

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 the state 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. The citation and copy of the specific provisions demonstrating that the state has adopted Federal standards for direct supervisions should be included with the plan as Attachment 9.

State Affirmation Statement: [INSERT HERE]

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 the state 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)

The documentation must include the citation and copy of the specific provisions that document that the state has adopted all the standards for direct supervision of noncertified applicators by certified private and/or commercial applicators that meet or exceed the Federal standards for direct supervision at §171.201, and this should be included with the plan as Attachment 9.

SECTION 10. CREDENTIALS. [§171.303(a)(8) and 303(a)(4)(vii)] States must provide a description below of the credentials or documents the State certifying authority will issue to each certified applicator verifying certification. If applicable, states must also describe below 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. **The state should include example copies of the state certification credentials with the plan as Attachment 10.**

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. States must also provide documentation below with their explanation to demonstrate that reciprocal certifications are subject to all the following conditions:

- A State may rely only on valid current certifications that are issued under an approved State, Tribal or Federal agency certification plan.
- The State has examined the standards of competency used by the State, Tribe, or Federal agency that originally certified the applicator and has determined that, for each category of certification that will be accepted, they are comparable to its own standards.

- Any State that chooses to certify applicators based, in whole or in part, on the applicator having been certified by another State, Tribe, or Federal agency, must include in its plan a mechanism that allows the State to terminate an applicator's certification upon notification that the applicator's original certification terminates because the certificate holder has been convicted under section 14(b) of FIFRA or has been subject to a final order imposing a civil penalty under section 14(a) of FIFRA.
- The State issuing a certification based in whole or in part on the applicator holding a valid current certification issued by another State, Tribe or Federal agency must issue an appropriate State credential or document to the applicator.

If additional room is needed to provide the explanation or documentation it should be included with the plan as Attachment 11.

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

(1) An annual report to be submitted by the state lead agency to the Agency by the date established by the Agency that includes all the following information:

- The number of new general private applicator certifications and recertifications issued during the last 12-month reporting period, and total number of applicators holding a valid general private applicator certification at the end of the last 12-month reporting period.
- For each private applicator category specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12-month reporting period, and the total number holding valid certifications in each category at the end of the last 12-month reporting period.
- The numbers of new commercial applicator certifications and recertifications issued during the last 12-month reporting period, and the total number of applicators certified in at least one commercial applicator certification category at the end of the last 12-month reporting period.
- For each commercial applicator certification category or subcategory specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12-month reporting period, and the total number of commercial applicators holding a valid certification in each category or subcategory at the end of the last 12-month reporting period.
- A description of any modifications made to the approved certification plan during the last 12-month reporting period that have not been previously evaluated by the Agency under § 171.309(a)(3).
- A description of any proposed changes to the certification plan that the State anticipates making during the next reporting period that may affect the certification program.
- A summary of enforcement activities related to the use of restricted use pesticides during the last 12-month reporting period.

(2) Any other reports reasonably required by the Agency in its oversight of restricted use pesticides.

State Affirmation Statement: [INSERT HERE]

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 State certification plan after EPA approves the State certification 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.

State Implementation Schedule: [INSERT HERE or provide as Attachment 13]

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APPENDIX A
Examination standards at §171.103(a)(2)

Requirements of the certifying authority:

- All examinations will be presented and answered in writing.
- All persons serving as proctors will be prohibited from taking an examination for which they are proctoring if they are also seeking pesticide applicator certification.
- All persons seeking certification will be required to present at the time of examination a valid, government-issued photo identification and/or the following types of identification as proof of identity and age: (fill in_____)
- All proctors and certification authority personnel will be required to keep exams secure before, during and after the exam period so candidates have access to the exam only in the presence of a proctor.
- Prohibit the use of reference materials not approved by this certifying authority.
- Notify all candidates of his or her examination results.

Requirements for proctors:

- Give instructions on examination procedures to candidates before beginning examinations.
- Monitor examination candidates throughout examination periods.
- Prohibit any verbal or nonverbal communication between candidates and anyone other than the proctor during the examination period.
- Prohibit examination or reference materials from being copied or retained by any person not authorized by this certifying authority.
- Provide and collect certifying authority-approved reference materials for use during the examination.
- Examine reference materials after the examination is complete for portions that may have been removed, altered or destroyed.
- Report to the certifying authority any inconsistencies or irregularities such as cheating, use of unauthorized materials, and attempts to copy or retain materials.
- Conduct examination sessions in accordance with the following exam administration requirements required by this certifying authority: (Fill in_____).

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APPENDIX B
Recertification standards at §171.107

(a) Maintenance of continued competency.

- Each commercial and private applicator must recertify every five years or less from the date of certification.
- The recertification period for commercial applicators is:
- The recertification period for private applicators is:

(b) Process for recertification.

(1) By written examination.

- A certified applicator is found eligible for recertification upon passing a written examination designed to evaluate the level of competency that conforms to the examination standards in §171.103(a)(2).
- Examinations for commercial applicators demonstrate the level of competency required by §171.103.
- Examinations for private applicators demonstrate the level of competency required by §171.105.

(2) By continuing education programs.

- A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's EPA-approved certification plan.
    - The quantity, content, and quality of a continuing education program to maintain applicator certification must be sufficient to ensure the applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.
    - (ii) Any continuing education course or event relied upon for applicator recertification must be approved by the certifying authority as being suitable for its purpose in the certifying authority's recertification process.
    - (iii) A certifying authority must ensure that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.

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APPENDIX C
Standards for the Direct Supervision of Noncertified Applicators at §171.201

(b) General requirements.
(1) Requirements for the certified applicator.

(i)The certified applicator must have a practical knowledge of applicable Federal, State and Tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of restricted use pesticides by noncertified applicators.

(ii) The certified applicator must be certified in each category applicable to the supervised pesticide use.

(2) Requirements for the noncertified applicator. The certified applicator must ensure that each noncertified applicator using a restricted use pesticide under his or her direct supervision meets all of the following requirements before using a restricted use pesticide:

(i) The noncertified applicator has satisfied the qualification requirements under paragraph (c) of this section.

(ii) The noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides.

(iii) The noncertified applicator has met the minimum age required to use restricted use pesticides under the supervision of a certified applicator.

- A noncertified applicator must be at least 18 years old, except that a noncertified applicator must be at least 16 years old if all of the following requirements are met:
  - (A) The noncertified applicator is using the restricted use pesticide under the direct supervision of a private applicator who is an immediate family member.
  - (B) The restricted use pesticide is not a fumigant, sodium cyanide, or sodium fluoroacetate.
  - (C) The noncertified applicator is not applying the restricted use pesticide aerially.

(3) Use-specific conditions that must be met in order for a noncertified applicator to use a restricted use pesticide. The certified applicator must ensure that all of the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under his or her direct supervision:

(i) The certified applicator must ensure that the noncertified applicator has access to the applicable product labeling at all times during its use.

(ii) Where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the certified applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose.

(iii) The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand.

(iv)The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment.

(v) The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under his or her direct supervision.

(vi) The certified applicator must be physically present at the site of the use being supervised when required by the product labeling.

(vii) If the certified applicator is a commercial applicator, the certified applicator must create or verify the existence of the records required by paragraph (e) of this section.

(c) Noncertified applicator qualifications. Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the noncertified applicator has met at least one of the following qualifications:
(1) The noncertified applicator has been trained in accordance with paragraph (d) [the "noncertified applicator training program" explained below] of this section within the last 12 months.
(2) The noncertified applicator has met the training requirements for an agricultural handler under (Worker Protection Standard -WPS regulations) 40 CFR 170.501 of this title within the last 12 months.
(3) The noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in §171.201(c)(1) [The "noncertified applicator training program" explained below in (d)].
(4) The noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(d) Noncertified applicator training program.
(1) General noncertified applicator training must be presented to noncertified applicators either orally from written materials or audiovisually. The information must be presented in a manner that the noncertified applicators can understand, such as through a translator. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators' questions.

(2) The person who conducts the training must meet one of the following criteria:
(i) Be currently certified as an applicator of restricted use pesticides under this part.
(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a State, Tribal, or Federal agency having jurisdiction.
(iii) Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under (WPS) 40 CFR part 170.

(3) Content of noncertified applicator training materials.

(e) Recordkeeping.
(1) Commercial applicators must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in paragraph (c) Training for noncertified applicators or WPS handler training within last 12 months, requirements of certifying authority, or certified applicator of this section. For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in paragraphs (e)(1)(i) through (e)(1)(iv).
(i) If the noncertified applicator was trained in accordance with paragraph (c)(1) of this section, the record must contain the following information:
(A) The noncertified applicator's printed name and signature.
(B) Date training requirement was met.
(C) The name of the trainer.
(D) The title or a description of the training provided.
(ii) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501 in accordance with paragraph (c)(2) of this section, the record must contain all of the information required at 40 CFR 170.501(d)(1).
(iii) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, the record must contain the information required by the certifying authority.
(iv) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted or not certified in the jurisdiction where the use will take place, as described in paragraph (c)(4) of this section, the record must include all of the following information:
(A) The noncertified applicator's name.
(B) The noncertified applicator's certification number.
(C) The expiration date of the noncertified applicator's certification.
(D) The certifying authority that issued the certification.

(2) The commercial applicator supervisor must create or verify the existence of the record containing the information in paragraph (e)(1) [method of qualification, etc.] of this section before allowing the noncertified applicator to use restricted use pesticides under his or her direct supervision.

(3) The commercial applicator supervisor must have access to records documenting the information required in paragraph (e)(1) of this section at the commercial applicator's principal place of business for two years from the date the noncertified applicator used the restricted use pesticide.

(f) Exceptions. The requirements in §171.201 do not apply to the following persons:
(1) Persons conducting laboratory research involving restricted use pesticides.
(2) Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of ordinary practice of those professions.

APPENDIX D
STATE PROCEDURES FOR RECIPROCITY at §171.303(a)(9)

The certifying authority will:

(i) rely only on valid current certifications that are issued under other approved State, Tribal or Federal agency certification plan.

(ii) will examine the standards of competency used by the State, Tribe, or Federal agency that originally certified the applicator and will determine that, for each category of certification that will be accepted, they are comparable to its own standards.

(iii) have a mechanism to terminate an applicator's certification upon notification that the applicator's original certification terminates because of a conviction under section 14(b) of FIFRA or was subject to a final order imposing a civil penalty under section 14(a) of FIFRA.

(iv) issue an appropriate State credential or document to the applicator.

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