

Submitting Certification & Training Comments for Individual State Associations

To: NPMA State Associations

From: NPMA Public Policy Team

RE: EPA Certification & Training Rule; Submitting Comments

Date: Monday December 21, 2015

In August of this year EPA published a [proposed rulemaking](#) to raise national certification and training standards for pesticide applicators. This rule will undoubtedly have some degree of impact on your state and as the national trade association and federal spokesperson for the industry, NPMA will be submitting the attached comments in order to urge changes to the proposed rule. As a state pest control representative we feel it is important that your comments be consistent with those that we will submit and ask that you take into consideration the below talking points that highlight the potential devastating consequences of this rule from your unique state's perspective.

Additionally, this past Friday, EPA agreed to extend the comment period for an additional 30 days, from the December 23rd deadline, so we encourage you to take advantage of this additional time and submit constructive comments on behalf of your state and industry prior to the new deadline of January 22nd.

In an effort to assist the submission of comments we have provided the following information on how to submit comments to the docket followed by a template for your use. We have also attached full comments that NPMA is submitting as a reference. We acknowledge that some of these talking points may not be appropriate for each individual state and we encourage you to edit as you see necessary, but we request that you refrain from directly contradicting our national message.

Please feel free to cut and paste from any of these documents to use as your own. If you have any questions, please contact Andrew Bray abray@pestworld.org.

Instructions for Submitting to the Docket:

Please submit the comments via [regulations.gov](http://www.regulations.gov). The docket ID number is: No. EPA-HQ-OPP-2011-0183; RIN: 2070-AJ20.

Please click on the following link to comment:

<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0183-0151>

Template for Submitting to the Docket:

Mr. Jack Housenger
Director, Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-001

**Re: Docket ID No. EPA-HQ-OPP-2011-0183; RIN: 2070-AJ20
Pesticides: Certification of Pesticide Applicators**

Dear Mr. Housenger,

The (*insert State*) Pest Management Association, the representative for professional structural pest management companies in (*insert state*), appreciates the opportunity to comment on the U.S. Environmental Protection Agency proposed rule *Pesticides: Certification of Pesticide Applicators*.

Provide a brief description about your role within (insert state) and possibly some statistics that bolster the breadth of the industry within (insert state) and the many beneficial roles you play.

(*Insert state*) Pest Management Association has several concerns with the proposed rule detailed herein. We fear that if these concerns are not addressed in any final version of the certification and training rule would result in devastating and unnecessary burdens and costs on our industry and our state regulatory partner.

Regulating Restricted Use Pesticides and General Use Pesticides

Our state generally does not distinguish between the use of restricted use pesticides (RUPs) and general use pesticides (GUPs). We understand that the proposed rule is only concerned with RUPs, but the reality is that since 40 CFR 171 was promulgated our state does not distinguish between RUP and GUP with regards to commercial applicators. If this rule is implemented as written, this could have a very significant impact on our applicators applying GUPs. Specifically, the 18 year age requirement is very concerning. We request specific clarification by EPA that the 18 year age requirement is only intended to apply to RUPs.

Definition of Use

Probably the most onerous part of this proposed rule is the unprecedented definition of “use” as to “use a pesticide.” In (*insert state*) “use” has always been interpreted as meaning the application or direct handling (i.e. mixing, loading, dispersing and disposing) of pesticides. (*if*

there is a state definition this is a good place to customize). In the proposed rule EPA suggests that the “arranging for the application of the pesticide” is now considered “use.” This would require anyone working within a pest control firm to become certified or partake in some form of pesticide training. This could not be the intended consequence of this definition, and we strongly urge for this language to be stripped out of the definition.

Site Specific Instructions

The proposed rule would require “site-specific” instructions for each individual application. Unlike other industries that use pesticides, the structural pest management industry is not static. Our applicators are in the field routinely servicing 10 or more different sites daily. Requiring “site specific” instructions for each individual location, would be unworkable for our industry and is unnecessary. Our applicators are trained and should be allowed to use their best judgement based on actual site conditions, and if a question were to arise, they would be available for immediate communication with a certified applicator.

Amount of Continuing Education Units

The proposed rule would require six continuing education units (CEUs) for core, category and potentially subcategory. We opposed this sharp deviation from the previous non-quantifiable requirements. In *(insert state)* we have developed a continuing education system that has worked for the past 40 years, and if this new requirement is implemented it would strain resources and add costs. We propose eliminating any quantifiable CEU requirement, and allow our state to continue to certify and train our industry without this proposed federal overreach.

Non-Certified Applicator Training

The proposed rule will require annual non-certified applicator training. In order to assist compliance with this new standard a national “train the trainer” program should be implemented similar to that afforded to agriculture pesticide use. As proposed, trainers would have to be certified applicators or certified by the state, which provides a barrier to receiving this training at national and regional trade shows.

Reciprocity

The *(insert state)* pest management association supports reciprocity. In *(insert state)* reciprocity is accomplished by *(insert details)*. We believe that EPA has an opportunity to bolster reciprocal agreements between states across the nation. Requiring states to communicate with one another and reducing unnecessary regulatory burdens on businesses is good for both the structural pest management industry and state regulators. We also believe that CEU credits should always be transferrable, and if implemented effectively there may be an easier path for applicators to receive innovative training and education at meetings throughout the country. We respectfully request EPA to go further than what has been proposed and to provide a clearer path for states to enter into reciprocal agreements.

Conclusion

(insert state) appreciates the opportunity to provide comments on *Pesticides: Certification of Applicators*, Docket ID: EPA-HQ-OPP-2011-0183. We believe our concerns expressed within these comments are important, thoughtful and representative of the structural pest management industry in *(insert state)*. We hope that any final rule is reflective of our concerns.

Sincerely,

(insert name)

(insert state pest management association)