

# **National Pesticide Applicator Certification and Safety Education Workshop**

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**U.S. Environmental Protection Agency**

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# **WPS Program and Rule Implementation Update**





# Regulatory Reform Agenda

- Per Executive Order 13777 on enforcing the regulatory reform agenda, EPA requested input on regulations appropriate for repeal, replacement or modification
- EPA offices also conducted outreach and received regulatory reform comments and recommendations from the public and advisory committee members at the second day of the Pesticide Program Dialogue Committee (PPDC) meeting (May 4, 2017)
- Comments and recommendations were discussed at the November 2, 2017, PPDC meeting



# Rulemaking to Reconsider Certain WPS Requirements

- Dec 21, 2017: EPA Federal Register Notice
- EPA has initiated internal process for rulemaking to reconsider the minimum age, designated representative, and application exclusion zone requirements in the worker protection regulation.
- PRIA 4 implications



# Regulatory Process

- OMB reviews Notice of Proposed Rulemaking (NPRM)
- USDA and other federal agencies review NPRM
- NPRM sent to congressional ag committees
- EPA publishes NPRM for public comment
- After comment period ends, EPA begins to develop response to comments and final rule package
- EPA issues final rule



# Status of WPS and C&T Rules/Implementation

- **All implementation dates established for both final rules are in effect**
- There is no delay in implementation for either of the rules, and no delay in compliance dates for any of the rules' provisions during rulemaking



# WPS Implementation Timeline

9/28/2015  
Revised WPS  
final rule  
signed

11/2/2015  
Revised WPS  
final rule  
published in the  
Federal Register.

1/2/2017  
**Compliance  
required with  
most revised  
WPS  
requirements  
except:**

- New content in worker and handler training
- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone

1/2/2018  
**Compliance  
Required with:**

- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone



## Outreach/Educational Material

- **Available now on EPA's web site**
  - Summary tables (English & Spanish)
  - FAQs and AEZ interpretative guidance
  - WPS Quick Reference Guide (English & Spanish)
  - WPS How to Comply Manual
  - WPS Inspection Manual
- **Under development**
  - Additional interpretive guidance and fact sheets, web pages with approved training materials & TTT programs, WPS inspector pocket guide





**PERC**

Pesticide Educational Resources Collaborative



# Important & Upcoming PERC Projects

**Web site: <http://pesticideresources.org>**

- How to Comply Manual (now)
- Train the trainer program and manual (all new content - now)
- Worker & handler training materials (all new content - now)
- Pesticide safety information/poster (now)
- Respirator information (now)
- WPS compliance suite (recently added)
- Online WPS TTT program – (new content - coming soon!)
- Videos for training workers & handlers (coming soon!)
- Train the trainer manual in Spanish (Summer 2018)



## For WPS Materials

- Pesticide Educational Resources Collaborative (PERC): <http://www.pesticideresources.org/>
- Gempler's: <https://www.gemplers.com/wps-resources>
  - <https://www.gemplers.com/product/WEB230032/Pesticide-Safety-Poster>
- National Pesticide Safety Education Center (NPSEC): <https://npsecstore.com/pages/perc-page>



## For WPS Information

- EPA web site: <http://www2.epa.gov/pesticide-worker-safety>
- Pesticide Educational Resources Collaborate (PERC): <http://www.pesticideresources.org/>



## EPA HQ WPS Contacts

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**\* OPP contacts for EPA approval of WPS training materials and Train-the-Trainer programs**



# C&T Program Update



# **Rulemaking to Reconsider the Minimum Age Requirements in the Certification of Pesticide Applicators Rule**

- Dec 21, 2017: EPA Federal Register Notice
- EPA has initiated the internal process for rulemaking to reconsider the minimum age requirements in the Certification of Pesticide Applicators rule



## PSEP Funding

- Cooperative agreement was awarded to **eXtension Foundation** in September 2017
- <https://www.extension.org/>
- The eXtension awardee has hired a project manager for running this program
- \$1.5 million for the first year
- Up to \$1 million per year for next 4 years
- **eXtension Foundation** has approved requests for funding applications from 45 entities.



## CPARD - Background

- The Certification Plan and Reporting Database (CPARD) houses state plans and annual reporting data required by Part 171 rule for EPA plan approval and funding
- EPA worked with SLAs to develop the model for CPARD
- CPARD was created at Washington State University; States began using it in 2005.
- CPARD is not used for collection of enforcement grant reporting
- CPARD data collection is OMB-approved





## CPARD Status

- CPARD was transferred to EPA in 2015
- It has taken longer than expected to rebuild the EPA version of the system
- EPA anticipates States will be able to use CPARD this summer for submitting 2018 annual reports
- EPA HQ will work with Regions and SLAs to input reporting data from 2016 and 2017, that are not currently in the system



## CPARD Future

- EPA will use current version of CPARD for annual reporting in 2018, 2019, and 2020
- By late 2020, EPA intends to complete creation of a NEW revised version of CPARD to house both the incoming revised and EPA-approved certification plans



# C&T Rule Implementation



## **Certification Rule Effective Date**

- Original effective date was March 6, 2017
- EPA issued several rules to extend the effective date, but a court vacated those delay rules, and declared that the underlying rule went into effect on its original effective date, March 6, 2017



# Implementation Timeline

**12/12/2016**

**Revised C&T  
final rule  
signed by EPA  
Administrator**

**1/4/2017**

**Revised C&T  
final rule  
published in  
the Federal  
Register**

**3/6/2017**

**Revised C&T  
final rule  
becomes  
effective**

**3/4/2020**

**Date For  
Certification  
Plans to be  
Submitted to  
EPA based on  
1/4/2017 rule**

**3/4/2022**

**EPA Completes its  
Initial Review of  
Revised  
Certification Plans  
and Some Revised  
State Plans Will  
Start to Become  
Effective\***

**\* (EPA will determine  
timeframes for  
implementation and  
compliance with revised  
certification plans on a  
case-by-case basis as part  
of EPA's review and  
approval of each revised  
certification plan)**



# Implementation Timeline

- Certifying authorities have until **March 4, 2020** to submit modified certification plans (**which may include provisions contingent upon legislative/regulatory action, etc.**) to EPA.
- **Existing plans remain in effect** until EPA approves or rejects the revised plan or **March 4, 2022**, whichever is earlier.
- Timeframe for implementation/compliance with revised certification plan will be decided on a **case-by-case basis** as part of EPA's review and approval of each revised certification plan.



# EPA Certification Plan Review Workgroup

- **HQ:** OPP, OECA, OGC
- **Regions:** one rep who coordinates with POs
- Ensure approval process is **consistent** among Regions
- Develop **guidance and tools** for state plan development and approval
- **Communicate** (regular calls)
- Forum for Q&As, **exchange of ideas and issues**, drafts, model language, etc.



# Tools, Information and Support

- **Guidance for certifying authorities**
  - What is/is not acceptable; needed explanations
- **Checklist** of what needs to be in state plans
- **Initial assessment** of what needs to change
- **Repository** of relevant documents
- **Q&As** – update regularly
- **CPARD 3.0**





# State Plan Approval Process

- **States submit** draft amended **state plan** to Regions for review
- Region reviews and **confers with states** to resolve questions and issues
  - Certification Program lead or Project Officer
- Region **engages EPA C&T Plan Review workgroup** for input, equivalency decisions, guidance, clarification, and consistency check, etc.



## State Plan Approval Process, Continued

- Region gets **concurrence from HQ/OPP** (and C&T Plan Review workgroup)
- Region approves plan, and **Regional Administrator** signs/sends approval letter after **concurrence by HQ Assistant Administrator for OCSP**
- HQ publishes Federal Register notice
- EPA-approved plans are entered into CPARD 3.0



## Tribal Plan Approval Process

- Same general process
- Same organizations, some different people
- Regions lead consultations with tribes
- OPP will revise EPA's plan for Indian Country



# Federal Agency Plan Approval Process

- Slightly different process
- Federal agencies submit their revised certification plans to EPA HQ/OPP
- HQ/OPP will review and approve revised Federal agency plans
- Same HQ offices involved in review
- HQ will publish notices of approvals of revised Federal agency plans



## For More C&T Information

For additional information on the revisions to the federal Certification of Pesticide Applicators rule, please visit:

[www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators](http://www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators)



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