

Questions:

1. Greenhouses – Is this a soil fumigation or an enclosed space (structural) fumigation? Clarification would be helpful. Thinking on it more, it will always be an enclosed space fumigation for WPS purposes **But would we need a soil fumigation category if the treatment would be to the soil within the enclosed space of a greenhouse. That is really the question being asked.** At this time, we are NOT proposing a soil fumigation category as it does not occur in the state (other than maybe to the soil in greenhouses, high tunnels, or other enclosed structures ??) I am not talking about the growing medium used in pots, but to the ground within that structure.
2. What is the timeline? I believe we can eliminate this question, we know the timelines now for sure. Just for summarization, we plan to work on revising our regulations into the fall of 2019, with a final proposed draft by Sept. 2019, then start revising the state certification plan in CPARD 3.0. to meet the submission date on or before March 4, 2020.
3. Is a separate category for rodents? Is it okay to keep this as a category? We currently have a separate category for rodent control and plan to keep that. Within that category is where we do the training on the use of rodent fumigants (fumitoxin, phostoxin). **What our question is if we can keep the fumigation component for rodent control in the rodent training and category.** That fumigation is specialized to that category only, and in our view does not fit or is applicable to the federal fumigation category of soil, non-soil. It would be "non-soil", but to us non-soil will be structural, grain bin, rail car, other commodity fumigation, etc.
4. Can we use restricted use terminology or do we need to amend that too? I reviewed my notes, but am at a loss what this question is referencing. We need to retain restricted use as terminology, I am thinking this is a repeat of #5 below, limited use vs. specific use.
5. Can we keep the limited use category (i.e. limited use vs. specific use)? Keep this question. Our current category titled Specific Use is EPA's proposed Limited Use title. It's only a matter of titling, we can look to amend it while we are revising our regulations. Simple fix. We just would like feedback if we need to change the title.
6. Is the minimum standard 70% or 80% to pass? This varies between states, ours is currently 70%, other states require 80%, and there appears to be other variations such as 90% for state law specific exams. We do not plan to make changes at this time, but will bring it up for discussion with the industries. We would like feedback if EPA wants continuity between states, or is this left up to the states to make that determination? I don't think this was ever discussed or considered in the revised federal regs.

7. For repeat testers, what do we do if they fail? Take twice? If they fail a third time do they take additional training? Our current process as outlined in regulation is allowing two attempts, then proof of training before allowing a 3rd attempt. We recently internally discussed what are the steps following the 3rd if they fail. I believe our revised regulations will further clarify this. So our question is: what is EPA's feedback or suggestions?

8. Does the explicit method of Verification of an online course need to be part of the Regulations? Or would it be enough that there is a policy that before NYSDEC approves an online course, the third party must disclose their method of verification?

9. Technicians are required to have a prescribed amount of training, as well as taking the Core and Category Examinations, prior to them getting their technician license. However, they do not currently need to keep up with recertification credits. To satisfy the yearly training for non-certified applicators, would it be acceptable to issue three year licenses, in which they must take a specific amount of core credits each of the 3 years?

10. Currently Apprentices (noncertified applicators with initial training requirements, yet less than technicians), need to be 16 years old. Would it be ok if they wrote into their regulations that apprentices cannot use RUP's until they turn 18? Or will they need to change the minimum age to 18? They expect some push back on this.