



BEYOND PESTICIDES

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December 16, 2015

Michelle Arling,
Field and External Affairs Division (7506P),
Office of Pesticide Programs,
Environmental Protection Agency,
1200 Pennsylvania Ave. NW.,
Washington, DC 20460

Re: Certification of Pesticide Applicators Rule Revision. Docker Number: EPA-HQ-OPP-2011-0183

Dear Ms. Arling,

We are writing to support U.S. Environmental Protection Agency's (EPA) proposal to revise the certification of pesticide applicators rule. Federal law calls for the certification of any person who applies or supervises the use of restricted use pesticides (RUPs) and establishes minimum standards of competency for these persons.¹ The proposal improves upon the current rules and will increase protections for commercial applicators of RUPs. These improvements include increased worker training for both certified and non-certified workers. Pesticide use training and education is vital in reducing personal and/or other human and environmental incidents.² However, there is no universal mechanism to measure the effectiveness of training and certification of pesticide applicators, which results in a limited capability of characterizing potential problems regarding pesticide use, including health outcomes among applicators, their clients and environment.³ The new proposal, which now mandates pesticide use reporting and recordkeeping, will help create a mechanism through which a greater understanding of the use and impact of RUPs can be obtained.

¹ USEPA. Pesticide Worker Safety <http://www.epa.gov/pesticide-worker-safety/how-get-certified-pesticide-applicator>

² Brennan, B. 2002. Pesticide Safety Education Centers: A Feasibility Study. J of Pesticide Safety Education. Vol4 <https://scholar.lib.vt.edu/ejournals/JPSE/v4/brennan.pdf>

³ American Medical Association. 1997. Educational and informational strategies to reduce pesticide risks. Council on Scientific Affairs. Prev Med. 26(2):191-200.

Many critics believe the new proposed rules are too burdensome on pesticide applicators, citing increased time to meet training requirements and increased costs. However, with recent high profile and tragic pesticide poisonings,⁴ where preliminary evidence has been clear that pesticide applicators made gross errors in judgement and were possibly negligent, it is more important than ever for applicators to raise their standards of knowledge and competency in making applications of hazardous pesticides.

However, it is also critical that states, which are charged with oversight for pesticide compliance and enforcement, are provided with the necessary resources to ensure pesticide applicators and applications are compliant with the new rules, and can conduct thorough investigations of reported incidents. This will include training for staff, outreach materials and resources for enforcement actions.

Noncertified Applicators. The existing rules have many shortcomings that are overdue for revision. One major improvement is the training requirement for noncertified workers. Noncertified applicators currently are supervised by a certified applicator. However, the definition of this “supervision” has been called into question and has been characterized as remote and cursory. The knowledge and literacy level (including proficiency in English) of some noncertified applicators have been pointed out as major deficiencies. Current requirements state that noncertified applicators must be competent to use RUPs. There is no specific training requirement defined. The proposed standards call for annual training on safe pesticide application and the maintenance of records documenting these trainings. Training can be provided by the state, a certified applicator, or one who has completed the Worker Protection Standard (WPS) training. Further, states must meet the new noncertified applicator standards or prohibit the use of RUPs by noncertified applicators. However, there are some questions that arise in reviewing the new proposal. Is there a distinction between the certified and noncertified applicator when it comes to training? Does the certified and noncertified applicator receive different levels of training for RUP application?

Beyond Pesticides believes that **all** pesticide applicators must be certified and properly trained before applying RUPs. Applications of RUPs should mandate the highest level of knowledge and training for an applicator. Applicators should be able to fully understand pesticide toxicology and potential health and environmental risks involved at the time of application, and must be able to respond immediately to impromptu concerns or mishaps that may occur on site at the time of application. This is especially pertinent when considering that the supervising applicator is not always on site, or may be delayed getting on site, in the event of an emergency. As recent incidents have proven, there is very little margin for error when using these highly toxic

⁴ Kulkarni PA, Duncan MA, Watters MT, et al. 2015. Severe Illness from Methyl Bromide Exposure at a Condominium Resort--U.S. Virgin Islands, March 2015. MMWR Morb Mortal Wkly Rep. 64(28):763-6.

pesticide substances. There should not be a separate ‘noncertified applicator’ category and we urge EPA to ensure that all applicators of RUPs be officially certified.

Minimum Age Requirement. We agree that the minimum age to obtain pesticide certification should be 18 years. Current rules do not have an age requirement. Research shows that adolescents are still vulnerable to pesticide exposures⁵ and should not be exposed to hazardous substances earlier than 18 years. This harmonizes with the WPS minimum age requirements, as well as various state minimum age requirements, and removes any inconsistencies across pesticide occupational classes. The pest management industry would prefer a younger age requirement presumably to capitalize on cheaper labor, however, with the risks involved in the application of RUPs, children should not be given the responsibility to work with these substances, nor would they have adequate judgement or capacity to assess risks⁶ or to address an emergency situation should it arise.

Cost to Applicators. The cost of certification, including exam fees, renewals, application fees etc. varies across states and together can cost upwards of hundreds of dollars. EPA is proposing recertification of applicators every three years, which means applicators will incur costs to maintain their certification every three years, instead of longer time periods which varies across states. Many believe this to be too burdensome and costly on applicators. Additionally, many believe the working hours allocated to achieve recertification also translates into an additional cost.

While these costs for certification may seem elevated, this industry can recoup these costs through the services they provide, as costs can certainly be passed on to customers. Conversely, the costs of injury to property or human/environmental health as a result of inadequate training and retraining far outweighs the costs for applicators to be certified periodically. The three year recertification requirement would also harmonize the disparate recertification requirements across states. Again, EPA must ensure that states have the resources to provide these certification services every three years.

Increased Reporting and Recordkeeping. The proposed rules now require a maintenance of training records for all applicators, as well as records on RUP use including the treated area, product/s used, and information on the certified applicator who made the application, etc. RUP dealers must now also keep records of sales including name and address of customer and information on RUP sold. This is an improvement on the existing rule, even though some states already have such reporting requirements. The proposal also calls for statewide recordkeeping of incidents and enforcements actions including a description and narrative of actions taken involving RUPs. Again, this helps harmonize state pesticide programs across the country and

⁵ Eckerman DA, Gimenes LA, de Souza RC, et al. 2007. Age related effects of pesticide exposure on neurobehavioral performance of adolescent farm workers in Brazil. *Neurotoxicol Teratol.*29(1):164–175.

⁶ Casey, BJ, Jones, R and Hare, T. 2008. The Adolescent Brain. *Ann N Y Acad Sci.* 1124: 111–126.

improves accountability and oversight over RUP applications and applicators. As mentioned earlier, this help set in place a mechanism to characterize potential problems regarding pesticide use, such as human health outcomes and environment impacts.

Conclusion

We commend EPA for moving forward with this proposed revision to the certification of pesticide applicators rule. Ultimately, with improvements to training and recordkeeping, EPA must ensure that states are provided the resources to achieve compliance with the new measures. Without proper enforcement and oversight, applicators, their clients and the environment will still be at risk. While we strive to minimize adverse impact from pesticide use, stricter applicator standards are only one part of the solution. We suggest the agency simultaneously work to reduce the overall approval, sale and use of pesticides that are proven to be hazardous to human and environmental health and for which there are safer alternatives, keeping with its mandate that these products pose no unreasonable adverse effects on people and the environment.

Respectfully,

A handwritten signature in blue ink, appearing to read 'NH' or similar initials.

Nichelle Harriott
Science and Regulatory Director