

QUALIFYING FOR PESTICIDE APPLICATOR CERTIFICATION

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The Federal Environmental Pesticide Control Act (FEPCA) of 1972 substantially amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947. FIFRA was administered by the United States Department of Agriculture until authority was transferred to the Environmental Protection Agency in 1970.

The 1972 amendments extend Federal controls to the actual application of pesticides by the user by regulating intrastate as well as interstate marketing of pesticide products. FEPCA provides for pesticides to be classified for general use or restricted use. It further provides that private applicators and commercial applicators who use restricted pesticides be certified. To be certified an applicator must demonstrate practical knowledge of the safe use of chemicals, proper operation of equipment, the effects of his applications of pesticides upon the environment, and applicable Federal and State laws.

A private applicator is defined as a person using or supervising the use of restricted pesticides to produce an agricultural commodity on property owned by him or his employer, or (if applied without compensation other than trading services) on the property of another person. Any applicator not meeting the definition of a private applicator is considered to be a commercial applicator.

The 1972 law extends to the states the authority to certify applicators, register pesticides, and initiate programs designed to meet their local needs. In order to assure that Michigan's farmers and the pesticide industry of this state will continue to have access to commonly used pesticides, it was necessary to change our pesticide legislation to conform with FEPCA.

Michigan's proposed pesticide legislation requires any person who uses a restricted use pesticide to be certified as does the Federal law. It further provides that any commercial applicator engaged in the business of applying pesticides must be certified whether that applicator uses restricted pesticides or not. The state law also requires dealers who sell restricted use pesticides to be licensed. Further controls over restricted use pesticides have been enacted which limit the sales of these materials to certified applicators.

The Michigan Department of Agriculture submitted proposed legislation to the Governor for introduction in the 1975 legislative session. The bill was introduced June 3, 1975 by representative Bela Kennedy as HB 5310. The bill passed the House with no dissenting votes and was referred to the Senate Committee of Consumers and Agriculture. Unless there are serious amendments to the bill in the Senate, passage is anticipated early in the 1976 legislative session.

The FEPCA mandates that states desiring to certify applicators submit a State Plan to EPA giving details of how they plan to certify applicators. The state plan must assure that the State has, or will have, enabling legislation, qualified personnel, and devote adequate funds for implementing certification. The state plan must contain a detailed description of the certification procedure to be used and conform to the standards of competency prescribed by the administrator. The States standards of competency may equal or exceed, but in no case be less than the standards set forth in the federal regulations.

The Michigan Department of Agriculture has submitted an approvable plan for certifying applicators to the Region V EPA administrator requesting approval contingent upon passage of the enabling legislation. The State Plan submitted has

adopted the 10 major categories and corresponding standards of competency set forth in the federal regulations plus three sub-categories under agriculture. The three sub-categories are Field Crop Pest Control, Vegetable Crop Pest Control, and Fruit Crop Pest Control. In addition, the state will require additional standards of competency for applicators engaged in aerial application or space fumigation.

The Department has been working through the present interagency pesticide advisory committee with Michigan State University Cooperative Extension Service in developing training materials to assist applicators in becoming certified. The training materials will consist of a core manual for private applicators and a core manual for commercial applicators, plus unit manuals for each of the categories. The manuals will be auto-tutorial, or self-teaching, and contain a study guide to assist the applicator in studying. This system of preparing for certification is believed to be more practical than attending classroom training sessions. It allows the person to study at his own pace and eliminates the inconvenience of attending formal training sessions.

The training manuals are in various stages of development but are expected to be ready for distribution between July and September of 1976. Private applicator manuals will be made available at each of the County Extension offices and the six Regional offices of the Michigan Department of Agriculture. Commercial applicator manuals will be available only from the Regional offices of the Michigan Department of Agriculture.

Competence in the safe handling and use of pesticides will be determined by written examination. Private applicators will be examined at various locations and dates to be determined at a later time. A certification packet will be distributed with the manuals and contain an application form, fee receipt card, and a sheet of instructions for completing the form. A list of examination sites will be included in the packet. When the applicator feels ready to take the examination he must submit the application form, \$10.00 certification fee and the fee receipt card to the Department of Agriculture. The fee receipt card will be returned and advise him of the examination site and date. The fee receipt card will serve as identification authorizing him to take the examination. Upon successful completion of the examination the applicator will be provided with a certification card authorizing the purchase of restricted use pesticides. Commercial applicators will make application in the same manner, however, examinations will be scheduled by appointment and administered in the Regional offices.

Congress recently passed HR 8841 further amending FIFRA in various respects and extending the deadlines for full implementation to October 21, 1977. We don't know at this time what impact these amendments will have on our pending legislation, although it is anticipated that HB 5310 will take immediate effect when it is passed. Language in the bill will allow commercial applicators currently licensed under existing law to continue operating until the expiration of the licensing period. Certification of commercial applicators will be required at the beginning of the 1977 licensing year if the proposed legislation is passed. Certification for private applicators will be available during the winter of 1976 and 1977 and be mandatory by October 1977.

One of the amendments to FIFRA is a self-certification provision for private applicators. The term self-certification is misleading and entails much more than the farmer signing his name to an affirmation form that he is competent. The language of the amendment provides for the administrator to assure that such form contains adequate information and affirmations to carry out the intent of the act. The reading that we get from EPA is that a self-certification system for private applicators and proposed by a State will require mandatory training. In consort with

the Interagency Pesticide Advisory Committee and the Cooperative Extension Service we are planning to continue with the examination system for private applicators.

I have tried to give an overview of the coming applicator certification program resulting from the mandate of congress. I realize my observations have been brief and will entertain any questions at this time.