Certification & Training Changes and How They Affect Michigan

In 2017, the Environmental Protection Agency (EPA) revised the federal standards to ensure applicators are competent in using restricted use pesticides (RUPs). This document was developed to provide general guidance to how the changes impact pesticide use in Michigan. For additional information, reach out to the Michigan Department of Agriculture & Rural Development (MDARD) at 800-292-3939 or visit www.michigan.gov/mdard. The below requirements will be affected when legislative changes are implemented.

ITEM	EPA REQUIREMENT	HOW DOES IT AFFECT MI?	CURRENT RULE
Denying, Suspending, Reviewing or Revoking a Certification Credential **Penalties for academic misconduct**	Provisions for denying, suspending, or revoking a certification credential based on a final order imposing a civil penalty or criminal conviction under Section 14 of FIFRA, or a violation of state laws or regulations related to the state's certification plan. *40 CFR 171.303(b)(7)*	Certification credentials shall not be issued or renewed until the application fee and any administrative fines have been paid. A hearing is not required in these instances. Persons found to have acted dishonestly or unfairly to gain an advantage in passing a certification exam or obtain recertification seminar credits may be subject to potential enforcement action.	A certification credential can be denied, suspended, or revoked based on a final order imposing a civil penalty under Section 14 of FIFRA, or a violation of state laws or regulations related to the state's certification plan.
Enhance Competence of Noncertified Applicators of RUPs **Establish Qualifications for Certified Applicators Supervising Noncertified Applicators**	Noncertified applicators of RUPs must qualify by completing any of the following: • Training outlined in 40 CFR 171.201(d). • Training as handler under the Worker Protection Standard. • Have a valid certification credential in an unrelated category or from another jurisdiction. States must adopt and/or exceed federal standards or prohibit the use of RUPs by noncertified applicators under the direct supervision of certified applicators. *40 CFR 171.201*	The current supervisory rule won't change but additional requirements added. Noncertified applicators must be trained as a noncertified applicator or as a WPS handler every 12 months. Training must be completed by a qualified trainer. The certified applicator must ensure specific requirements are met before allowing a noncertified applicator to apply RUPs.	Application of RUPs for a private agricultural purpose is only allowed by: • Private or commercially certified applicators. • Certified applicators directly supervising noncertified applicators for an agricultural purpose (unless prohibited by the label). Commercial applicators must be certified to apply RUPs.

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Enhance Private Applicator Competency Standards	Private applicators must demonstrate competency in pest control in the production of agricultural commodities in regard to topics similar to those in the core competency standards for commercial applicators (i.e., label and labeling comprehension; safety; environment; pests; pesticides; equipment; application techniques; laws and regulations; responsibilities for supervisors of noncertified applicators; stewardship). Private applicator competency must include ability to read and understand pesticide labeling. Eliminate the proposed competency standard that required candidates to identify specific pests. *40 CFR 171.105(a)*	No significant changes. Competency standards will continue to be set by the EPA. Private applicators must be at least 18 years old for private applicators. There is a family exemption for 16-years old.	Private applicators must have knowledge pest management and the safe use of pesticides, including standards set in 40 CFR 171.5.
Strengthen Private Applicator Gauge	Private applicators must either attend a training program covering the mandatory competency standards or pass a written exam. *40 CFR 171.105(h)*	MDARD must create a policy to receive certification by training for private applicators. Training is offered to those who qualify under the Americans with Disabilities Act.	Private applicators must pass an exam to obtain certification.
Eliminate Non-reader Certification for Private Applicators	No ”non-reader” option for persons who cannot read to obtain certification to use specific RUPs. *40 CFR 171.105(h)*	Exams cannot be read to private applicators.	An oral fact-finding interview can be conducted to obtain private certification.

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RUP Dealer Recordkeeping	RUP Dealer recordkeeping requirements include: • Name and address of the certified applicator or name and place of business who purchased the RUP. • Certification number, expiration date, and category of certification of the certified applicator who purchased the RUP. • State, tribal, or federal agency that issued the credential to purchase the RUP. • Product name and EPA Registration Number of the RUP sold, including any Section 18 & 24(c) numbers. • Quantity of the RUP sold, including unit of measure. • Date of transaction. Records must be maintained for at least 2 years. *40 CFR 171.303(b)(7)(vii)*	RUP Dealers must maintain additional information following the sale of RUPs, including: • The residence address or the name and place of business of the RUP purchaser. • Expiration date of the certification credential. • The agency that issued the credential to purchase the RUP. • The product name. • Any Section 18 & 24(c) numbers. • The unit of measure for the quantity sold. No changes to recordkeeping maintenance timeframe.	RUP Dealers are required to maintain RUP sales records for 2 years.
Establish Additional Categories for Private and Commercial Applicator Certification	Establish categories for private and commercial applicators completing the below applications: • Aerial. • Soil fumigation. • Non-soil fumigation. No concurrent certifications are required. *40 CFR 171.101*, *40 CFR 171.103(d)* , *40 CFR 171.105*	Fumigation is separating two categories: • Category 11 soil fumigation • Category 12 non-soil fumigation Category 13 will become aerial application.	Fumigation and aerial are additional standards for certified applications.

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Commercial Applicator Recordkeeping	States must require commercial applicators to maintain records about RUP use including: • Name and address of person for whom RUP applied. • Location of application. • Size of area treated. • Site to which RUP was applied. • Time and date of application. • Product name and EPA registration number of RUP applied. • Total amount of RUP applied per application and location. • Name and certification number of certified applicator and name(s) of any noncertified applicator that made the application under the direct supervision of the certified applicator. States must require commercial applicators to verify and have access to specific records related to the qualifications of noncertified applicators working under their direct supervision. Records are to be maintained for at least 2 years. *40 CFR 171.303(b)(7)(vi)*	No changes to commercial applicator certification applying RUPs. Additional RUP application recordkeeping requirements for commercial applicators. Application records must include: • Name and address of the person for whom the RUP was applied. • Location of application. • Size of treated area. • Site, crop, commodity, or stored product to which RUP was applied. • Target pest for which RUP was applied. • Time and date of application. • Brand or product name. • EPA Registration Number. • Total amount of RUP applied per location per application. • Concentration of the RUP applied. • Total amount of RUP applied per application and location. • Method and rate of application. • Name and certification number of the certified applicator that made the application.	Commercial applicators must maintain records of RUP applications for 3 years. Certification is required for a commercial applicator to apply RUPs. Supervision of noncertified applicators applying RUPS commercially is not permitted.

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Re-enforce Exam Standards	All exams must be proctored. Only materials approved by the certifying authority, provided and collected by the proctor, may be used during exams (final rule does not use the term "closed-book exams"). Requires certifying authorities to adopt specific exam administration standards; allows certifying authorities to establish standards that meet or exceed federal standards. *40 CFR 171.103(a)(2), 40 CFR 171.303(a)*	70% to pass an exam. Examination procedures must be created for individuals taking exams. Failure to comply will loss in termination of the exam, potential loss to take exams for up to 3 years and a possible administrative penalty. A policy will be created on how to create new study manuals and administer exams.	A 70% or above is required to pass an exam to receive certification.
Identification of Candidates for Certification and Recertification	Require all candidates for **initial certification** (exam or training) and **recertification by exam** to present a government-issued photo identification OR other similarly reliable form of identification approved by the certifying authority. *40 CFR 171.103(a), 40 CFR 171.105(h)* Require certifying authorities to verify successful completion of **each recertification course/event** (e.g., training, workshop, continuing education), including the identity of candidates for **recertification.** No specific requirement to verify identity based on government-issued photo identification. *40 CFR 171.107*	Proof of identity and age to be eligible for certification will be required. Proof is a valid, government-issued photo ID, or other documents which can be used alone or in combination to establish identity.	MDARD exam procedure are to verify identification at an exam location.

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Recertification Requirements	Recertification must include satisfactory completion of continuing education or exam. Establish performance standards for certifying authorities to develop and administer recertification programs. For recertification by continuing education, states must adopt criteria for: • quantity of continuing education required to maintain certification. • content covered by the continuing education program and how the certifying authority ensures the required content is covered. • process the certifying authority uses to approve continuing education courses or events, including how any continuing education courses or events verify the applicator's successful completion of the course or event. • how the certifying authority ensures the on-going quality of the continuing education program. For recertification by exam, states must establish: • the process for reviewing, and updating as necessary, the written examination(s) to ensure that they evaluate whether a certified applicator continues to demonstrate competency. No requirements for when training must occur during the certification period. *40 CFR 171.107(b), 40 CFR 171.303(b)(4), 40 CFR 171.305(b)(3)*	Stricter criteria for approving recertification seminars and verifying program quality will be established. MDARD must develop policy for verifying participation of attendees of training courses and monitoring these courses to ensure high quality program content. MDARD must develop policy on updating certification exams and study manuals.	Credentials can be renewed by taking the exam or by attending MDARD-approved educational seminars.

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Reciprocal Applicator Certification	Certification plans must specify **whether, and if so under what circumstances, the certifying authority would issue a certification, based in whole or in part, on a certification issued by another certifying authority.** Reciprocal certifications subject to specific conditions. No requirement for reciprocal certification to terminate automatically upon termination of the original certification. *40 CFR 171.303(a)(9), 40 CFR 171.305(a)(10)*	No major changes to reciprocity. An applicator's Michigan credential can be terminated upon notification that the applicant's original certification is terminated.	Michigan accepts reciprocity with state or federal agencies with an equal or more stringent certification requirements. This currently includes Ohio, Indiana, Wisconsin, and Minnesota.
State Plan Modification to Implement Changes & Implementation Schedule	Certification plans must meet or exceed new standards and requirements. 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. *40 CFR 171.303 , 40 CFR 171.305 , 40 CFR 171.5*	Michigan will implement the required changes to meet EPA's new Certification and Training Standards. The implementation date is flexible, but full implementation is scheduled by 2030.	Michigan's pesticide standards either meet or exceed what EPA requires.

Questions about certification and training changes or pesticides in general? Email MDARD-PESTICIDE@MICHIGAN.GOV or call 800-292-3939.