



PPC

PESTICIDE POLICY COALITION
A Coalition Working for Sound Pest Management Policies

April 27, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

The Pesticide Policy Coalition (“PPC” or the “Coalition”) appreciated the opportunity to comment on the Environmental Protection Agency’s (EPA’s) final rule *Pesticides: Certification of Pesticide Applicators* [EPA-HQ-OPP-2011-0183], which amends 40 CFR Part 171. As the Agency undertakes a review of existing burdensome and unnecessary policies, rules and regulations the PPC would like to: (1) highlight our general support for the *Pesticides: Certification of Pesticides Applicators* final rule; (2) request EPA take corrective action to rectify one specific provision related to a mandatory minimum age standard; and (3) request EPA issue an additional extension to the effective date until such time as our final requested revisions can be promulgated. To be clear, the Coalition endorses and supports procedures and regulations that ensure the proper certification and training of pesticide applicators.

About PPC

PPC is an organization that represents food, agriculture, forestry, pest management and related organizations that support transparent, fair and science-based regulation of pest management. PPC members include: nationwide and regional farm, commodity, specialty crop, and silviculture organizations; cooperatives; food processors and marketers; pesticide manufacturers, formulators and distributors; pest- and vector-control operators and applicators; research organizations; state regulatory agencies; and other interested parties. PPC serves as a forum for the review, discussion, development and advocacy of pest management policies and issues important to its members.

As you are well aware, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) delegates the authority to individual states to regulate, certify and train applicators using restricted use pesticides (RUPs). For approximately 40 years states implemented pesticide certification and training plans set forth in 40 CFR 171 and pesticide applicators have worked with state regulators to create certification and training standards in each state to ensure applicator competency. Approximately 15 years ago EPA began the process of modernizing the

national pesticide applicator competency standards resulting in a proposed *Pesticides: Certification of Pesticides Applicators* rule in August 2015.

PPC General Support for Final Certification Rule

The PPC greatly appreciated the significant improvements EPA made to the final Certification of Pesticide Applicators rule (40 CFR 171) published on January 4, 2017. As a Coalition, we had significant concerns with the proposed rule, which was flawed in many ways, but most specifically the rule proposed a new rigid set of standards that would have forced states to re-write their entire pesticide certification and training regulations; regulations that have been working for the past 40 years. The PPC and our individual members engaged the Agency with our concerns resulting in a very different and much improved *Pesticides: Certification of Pesticides Applicators* final rule. Due to the significant improvements EPA made to the final rule, the PPC requests the Agency not revoke this final rulemaking in its entirety, but instead make minor changes to facilitate promulgation of a perfected final rule.

PPC Request for Revision to Specific Provision

As the Agency examines the *Pesticides: Certification of Pesticides Applicators* rule, the Coalition requests EPA revise and amend the new mandatory minimum age standard for commercial RUP applicators at 18 years (provisions § 171.103(a)(1) and 171.105(g)). Prior to this rulemaking, individuals under the age of 18 were able to apply RUPs if they met certification and training requirements promulgated within their respective state. The age requirement would require numerous states to undertake the lengthy and costly process of amending state statutes through the state legislature and/or undertake a state regulatory public comment and rule change. The age requirement, like many other aspects of pesticide applicator certification and training standards should be a determination made by individual states and not a federally mandated requirement that will force states to amend their statutory authorities. We request that the Agency amend this narrow portion of the final rule, and the Coalition stands ready to assist EPA in addressing this specific revision.

PPC Request for Extension to the Effective Date

The Coalition greatly appreciated EPA issuing a “Delay of Effective Dates for Five Final Regulations” (FRL-9960-28-OP) published on March 20, 2017 to extend the effective date of the Certification of Pesticide Applicators rule to May 22, 2017. Due to a number of logistical and resource challenges states are facing across a range of pesticide-related program areas, the PPC requests EPA issue an additional extension to the effective date until the Agency has: (1) finalized and delivered adequate enforcement guidance, educational materials, and training resources to the states and the regulated community with adequate advanced timing; and (2) provided the states the tools and financial resources necessary to effectively implement the rule changes and assist the regulated community with compliance activities.

Conclusion

In conclusion, we can all agree requiring reasonable certification and training to ensure safe pesticide applications by competent pesticide applicators is necessary. As a Coalition, we

welcome and encourage opportunities to engage in a thoughtful dialogue with the Agency and our state regulator partners and we believe that is what was accomplished during the rule making process for the *Pesticides: Certification of Pesticides Applicators* rule. The rule is scheduled to go into effect on May 22, 2017; and we support moving forward with the implementation of the final rule (with revisions to the mandatory minimum age requirement) and with adequate resources allocated to support a successful implementation among the state regulatory agencies and the regulated community. The Coalition stands ready to work with Agency to protect human health and the environment while ensuring a predictable, transparent, and science-based regulatory framework is implemented.

Respectfully Submitted,



Ethan Mathews
Chair



Beau Greenwood
Vice Chair