

**Oregon Comparison and Impacts for  
US EPA's PROPOSED Certification of Pesticide Applicator Rule (40 CFR 171)**

Updated January 21, 2016

In August, the U.S. EPA released a proposal to revise the **pesticide applicator certification and training rule**, which has remained unchanged since 1974. EPA's **pesticide applicator certification and training rule** focuses on those who use federally Restricted Use Pesticides (RUPs), but for Oregon it impacts all licensed applicators (private applicators, commercial applicators and public applicators, consultants with research and demonstration category, apprentices and trainees) as well as dealer recordkeeping. The **proposed** changes impact Oregon pesticide applicators in a variety of ways, for example new exam categories for private applicators, requiring identification at recertification meetings, and a total revamping of ODA's recertification requirements including the number and types of recertification credits (laws/safety and exam category) and the recertification cycle term. Some of EPA's proposed changes are already requirements in Oregon. This document highlights only some of EPA's proposed changes; the ones that would have the greatest impact on Oregon licensed (certified) applicators.

EPA's **pesticide applicator certification and training rule** aims to reduce the likelihood of harm from the misapplication of toxic, federally restricted use pesticides (RUPs) and ensure a consistent level of protection among states. EPA is accepting comments on their proposal through **January 22, 2016**. Comments on the proposed changes can be made at [www.regulations.gov](http://www.regulations.gov) in docket number [EPA-HQ-OPP-2011-0183](https://www.regulations.gov/docket/EPA-HQ-OPP-2011-0183). Consider providing comments, particularly addressing the specific questions asked by EPA in the docket. A simple one--liner is not helpful. EPA needs to understand the reasons for your suggestions, comments, and concerns. EPA will review the comments and submit a final rule to USDA and the Office of Management and Budget for final review. The decision to go to final is anticipated for 2016. [EPA's comparison chart](#) and the [EPA's pesticide-worker-safety](#) have additional detailed information.

<b>Private Applicators (PAL)</b>		
<b>Proposed Rules</b>	<b>Current Oregon Rules</b>	<b>Impacts for PALs</b>
<ul style="list-style-type: none"> <li>Add a Soil Fumigation exam category for soil fumigants</li> </ul>	<ul style="list-style-type: none"> <li>Soil Fumigation exam category is not required for private applicators, only the EPA approved training is required for Oregon PALs.</li> </ul>	<ul style="list-style-type: none"> <li>Soil Fumigant exam category will be mandatory for any licensed private applicator doing soil fumigations.</li> </ul>
<ul style="list-style-type: none"> <li>Add <b>Non-Soil Fumigation</b> exam category for private applicators</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Private applicators using any fumigant (e.g., aluminum phosphine, sulfur dioxide, methyl bromide) would need to take and pass non-soil fumigation exam category.</li> </ul>
<ul style="list-style-type: none"> <li>Add Aerial exam category</li> </ul>	<ul style="list-style-type: none"> <li>Oregon has new legislation requiring aerial licensing beginning in 2016.</li> </ul>	<ul style="list-style-type: none"> <li>No new impacts for Oregon aerial applicators.</li> </ul>
<ul style="list-style-type: none"> <li>Minimum 18 years old for PAL certification or under the direct supervision when using RUPs</li> </ul>	<ul style="list-style-type: none"> <li>OR Bureau of Labor &amp; Industries has 16 year age restriction for <i>employees</i> handling hazardous chemicals. Must be 18 to be a private applicator.</li> </ul>	<ul style="list-style-type: none"> <li>Low impact. If restricted use pesticide (RUP) must be 18 years old to be licensed. Some farm exceptions.</li> </ul>

## Private Applicators (PAL)

### Proposed Rules

### Current Oregon Rules

### Impacts for PALS

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>Mandatory 3 year certification cycle</li> </ul>  | <ul style="list-style-type: none"> <li>ODA's certification period is a 5-year cycle.</li> </ul>  | <ul style="list-style-type: none"> <li>Expensive changes to ODA database.</li> <li>Requires lengthy implementation timeline to convert a 5-year cycle to 3--years.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Obtain 6 core Continuing Education Units (CEU is 50 minutes training) and 3 CEUs per <u>EACH</u> exam category during the 3--year recertification cycle</li> </ul> | <ul style="list-style-type: none"> <li>Private applicators require 16 credits in 5-year cycle with no more than 8 credits per year.</li> <li>Private applicators can attend any training with any approved content for CEUs (recertification credits).</li> <li>Private applicators are required to complete 4 hours of Core CEUs during the recertification cycle in order to renew.</li> </ul> | <ul style="list-style-type: none"> <li>Very expensive changes to ODA database and could require hiring <del>several</del> additional full--time employee (FTEs).</li> <li>Obtain 6 CEUs in core (laws/safety) topics in 3 years, and</li> <li>Obtain 3 CEUs per <u>EACH</u> exam category in 3 years.</li> <li>ODA is required to assign recertification course topics as "Core" or "category specific" training. Applicators will need to monitor they are getting what they need.</li> </ul> |
| <ul style="list-style-type: none"> <li>Obtain at least ½ of CEUs in last 18 months of licensing cycle</li> </ul>  | <ul style="list-style-type: none"> <li>ODA has maximum credits of 8 per year.</li> </ul>   | <ul style="list-style-type: none"> <li>Half-year tracking of credits is not practical.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Present ID for recertification training sessions</li> </ul>  | <ul style="list-style-type: none"> <li>ODA requires verification by signature.</li> </ul>  | <ul style="list-style-type: none"> <li>Very time consuming for course sponsors, ODA and applicators.</li> <li>Could discourage attendance by people without ID</li> </ul>  |

## Commercial Applicators (CPA), Public Applicators (PPA), Consultant with Research and Demonstration Category (PC), and Apprentice (APL)

### Proposed Rules

### Current Oregon Rules

### Impacts for CPA, PPA, PC, and APL

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>Add a Soil Fumigation exam category</li> </ul>     | <ul style="list-style-type: none"> <li>ODA has a Soil Fumigation exam category</li> </ul>  | <ul style="list-style-type: none"> <li>Already have to take this exam.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Add a Non-Soil Fumigation exam category</li> </ul> | <ul style="list-style-type: none"> <li>Any person using a restricted use pesticide requires certification per category.</li> </ul> | <ul style="list-style-type: none"> <li>Already have to take category specific exams that would require use of these products.</li> </ul> |
| <ul style="list-style-type: none"> <li>Add Aerial exam category</li> </ul>                | <ul style="list-style-type: none"> <li>Oregon has new legislation requiring aerial licensing beginning in 2016.</li> </ul>         | <ul style="list-style-type: none"> <li>No new impacts for Oregon aerial applicators.</li> </ul>  |

## Commercial Applicators (CPA), Public Applicators (PPA), Consultant with Research and Demonstration Category (PC), and Apprentice (APL)

Proposed Rules	Current Oregon Rules	Impacts for CPA, PPA, PC, and APL
<ul style="list-style-type: none"> <li>Mandatory 3 year certification cycle</li> </ul>	<ul style="list-style-type: none"> <li>ODA rule is a 5-year cycle.</li> </ul>	<ul style="list-style-type: none"> <li>Expensive changes to ODA database.</li> <li>Requires lengthy implementation timeline to convert 5-year cycles to 3-years.</li> </ul>
<ul style="list-style-type: none"> <li>Obtain 6 core Continuing Education Units (CEU is 50 min training) and 6 CEUs per <u>EACH</u> exam category during the 3-year recertification cycle</li> </ul>	<ul style="list-style-type: none"> <li>40 credits required and a maximum of 15 credits per year; however, with no requirements for “core” (laws and safety) or “category” (exam categories) for CPA, PPA or PC.</li> <li>8 credits required yearly with 4 credits required in “core” topics for APL.</li> <li>ODA does not review and assign category specific credits.</li> </ul>	<ul style="list-style-type: none"> <li>Very expensive changes to ODA database and will require hiring several additional full-time employees.</li> <li>Obtain 6 CEUs in core topics in 3 years, and</li> <li>Obtain 6 CEUs per <u>EACH</u> exam category in 3 years.                             <ul style="list-style-type: none"> <li>If someone had 3 exam categories they need 6 core + 18 category CEUs for 24 credits per 3 years.</li> <li>If someone had 5 exam categories they need 6 core + 30 category CEUs for 36 credits per 3 years.</li> </ul> </li> <li>ODA is required to assign recertification course topics as “Core” or “category specific” training. Applicators will need to monitor they are getting what they need.</li> <li>Course sponsors will face significant demands to provide training in both core and category; additional FTEs will be needed.</li> <li>Challenge to provide category credits in small-sector exam categories, such as seed treatment and marine fouling.</li> </ul>
<ul style="list-style-type: none"> <li>Obtain at least ½ of CEUs in last 18 months of licensing cycle</li> </ul>	<ul style="list-style-type: none"> <li>ODA has maximum credits of 15 per year.</li> </ul>	<ul style="list-style-type: none"> <li>Half-year tracking of credits is not practical.</li> </ul>
<ul style="list-style-type: none"> <li>Present ID for recertification training sessions</li> </ul>	<ul style="list-style-type: none"> <li>ODA requires verification by signature, except for online distance learning.</li> </ul>	<ul style="list-style-type: none"> <li>Very time consuming for course sponsors, ODA and applicators.</li> <li>Could discourage attendance by people without ID</li> </ul>

## Dealers (PD)

Proposed Rules	Current Oregon Rules	Impacts for Dealers
<ul style="list-style-type: none"> <li>RUP dealers must record applicator’s certification number, issuing authority, certification expiration date, and categories of certification ----- these are in addition to other items.</li> </ul>	<ul style="list-style-type: none"> <li>Dealers must record certified applicator’s pesticide license number in addition to other items.</li> </ul>	<ul style="list-style-type: none"> <li>Minimal additional burden –few additions to Oregon’s current requirements.</li> </ul>