



# CTAG

Certification & Training Assessment Group — National Partnerships for Safe & Effective Pesticide Management through Education, Training & Competency Assessment

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## Positive Identification Requirement for Restricted-Use Pesticide (RUP) Purchases

### Executive Summary

Currently, there are no national standards for positive identification (i.e. photo identification) of purchasers of RUPs. While RUPs may only legally be sold to a certified private or commercial pesticide applicator, states, tribes and territories vary considerably on requiring some form of positive identification for these purchases. Most states do not require retail dealers of pesticides to ask for positive identification of a person buying RUPs. Consequently, an unqualified person whose identity and certification have not been positively verified could purchase any amount of RUPs. Once illegally purchased, there are few controls to prevent the use of such RUPs by an unqualified person or the inadvertent or intentional misuse of such RUPs.

CTAG believes that EPA should develop guidelines and implement requirements for positive identification of all private and commercial applicators making face-to-face purchases of RUPs.

### Introduction

It is important to maintain the integrity of the pesticide certification and training (C&T) program by ensuring that RUPs are purchased only by properly certified applicators, those who have met the competency requirements set for certified applicators.

In this post 9/11 world, we must take all reasonable steps to keep RUPs from the hands of those who would purposely misuse them.

### Background

Federal and state laws and regulations restrict the purchase of RUPs to properly certified private or commercial pesticide applicators. However, there are currently no national standards for positive identification (i.e. photo identification) of purchasers of RUPs.

Although RUPs may only legally be sold to a certified private or commercial pesticide applicator, states, tribes and territories vary considerably on requiring some form of positive identification for these purchases. Most states do not require retail dealers of pesticides to ask for positive identification of a person buying RUPs. Consequently, an unqualified person whose identity and certification have not been positively verified could purchase any amount of RUPs. Once illegally purchased, there are few controls

to prevent the use of such RUPs by an unqualified person or the misuse of such RUPs. Today, there are grave concerns that potential terrorists may attempt to illegally purchase and use RUPs to cause intentional harm to human health or the environment.

Requiring positive identification through the use of existing photo identification documents including a state-issued driver's license or a U.S. government issued passport, military identification, or immigration green card will take minimal effort; wholesale or retail dealers of pesticides confirm the identity of purchasers and match the name on the photo identification with the name on the private or commercial pesticide applicator certification credential.

[Note: Internet and telephone sales are an exception. CTAG recognizes the serious issues and challenges surrounding verification of identity for RUP purchases made over the Internet or by telephone. This issue paper does not attempt to address such issues and challenges; it focuses exclusively on direct, face-to-face RUP purchases and sales.]

A positive identification requirement may present some difficult issues in situations where the legitimate religious beliefs and practices of some groups of people prohibit members from having their photographs taken. For such groups, the airline industry generally requires two forms of non-photo identification documents, one of which must be a government-issued identification document, such as a Social Security card, which bears the holder's signature. The other form of identification may include items such as a checking statement or utility bill that shows the person's name and current address.

For RUP sales, the name on the identification documents must match the name on the private or commercial pesticide applicator certification credential. Individual airlines reserve the right to refuse boarding to anyone without a government-issued photo identification. CTAG strongly encourages all SLAs to adopt regulations that require identification of RUP purchasers and allows the seller to refuse sales to any individual who cannot be positively identified.

While all states require sellers of RUPs to verify an applicator's certification credential prior to a sale of RUPs, most do not require positive identification of the purchaser. The point of sale is critical in assuring that the purchaser is the same person represented on the certification credential. Asking for and verifying positive identification would take wholesale or retail dealers very little additional time or effort and would help to maintain good pesticide security.

## **What Are the Downside Risks to Maintaining the Status Quo?**

Without minimum national standards for positive identification (i.e. photo identification) of purchasers of RUPs, we would be left with the current, haphazard system where some states verify the identity of purchasers of RUPs and some do not verify the identity of such purchasers. In addition, there is no assurance that all states are taking reasonable steps necessary to thwart potential terrorists who may attempt to illegally purchase and RUPs to cause intentional harm to human health or the environment.

## **Q & A Regarding Adoption of a Positive Identification Requirement for RUP Purchases**

### ***What are some of the advantages of adoption of a positive identification requirement for RUP purchases?***

There are several advantages for minimum national standards for requiring positive identification of certified applicators when purchasing RUPs:

1. Assurance that the person purchasing RUPs has met the competency requirements expected of a certified applicator.
2. Positive verification of an applicator's identity.
3. Stronger pesticide security by ensuring that only trained and certified applicators are able to purchase and use, or supervise the use of, RUPs.

### ***Why not simply continue to require that states inspect the purchaser's certification credential?***

Most states do not place the applicator's photograph on the certification credential. Consequently, the certification credential, by itself, is not a verification of the holder's identity.

### ***What hardships will be imposed on wholesalers and retailers of RUPs who may be required to ask for identification documents and verify the identity of purchasers of RUPs?***

Very little additional effort will be required to positively verify the identity of purchasers of RUPs. Failure to verify identity of purchasers of RUPs would expose the seller to significant potential liability. Consequently, no hardships are imposed on wholesalers and retailers of RUPs who may be required to ask for identification documents and verify the identity of purchasers of RUPs

***What additional positive identification requirements would be placed on states that are already requiring wholesalers and retailers of RUPs to ask for identification documents and verify the identity of purchasers of RUPs?***

No additional positive identification requirements would be placed on such states.

**Recommendation**

EPA should develop and implement requirements for positive identification of all private and commercial applicators making face-to-face purchases of RUPs. These requirements will be in addition to the current requirement for possession and presentation of a valid pesticide applicator certification credential. To improve the level of security surrounding the purchase of RUPs, positive identification of certified pesticide applicators seeking to purchase RUPs should include presentation of a current, government issued photo identification document. Acceptable photo identification documents should be limited to a state-issued driver's license or a U.S. government issued passport, military identification, or immigration green card. In the rare instances where a certified pesticide applicator seeking to purchase RUPs is legitimately photo-averse, the State Lead Agency may choose to allow RUP dealers to accept certain forms of non-photo identification. In these instances, at least two forms of non-photo identification documents should be required. At least one such document should be a government issued document, such as a Social Security card, which bears the holder's signature. Other non-photo identification documents should identify the holder by name and address. In all cases, the name of the person purchasing RUPs must match the name on the pesticide applicator certification credential and each non-photo identification document.