



CTAG

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

Positive Identification Requirement for Pesticide Applicator Certification Exams

CTAG Board Approved--July 14, 2006

Executive Summary

People who are candidates for pesticide certification exams should be positively identified before the exam is issued and before any credentials are issued. Currently, there are no national standards for identification of candidates. Further, a CTAG survey of State Lead Agencies (SLAs) indicates that many do not routinely verify the identification of private applicator exam candidates and a significant number do not verify commercial exam candidates. This calls into question the integrity of the entire certification system and provides opportunity for abuse.

CTAG suggests that SLAs, who do not currently ask for any form of identification before administering exams, review their policies, regulations, and laws and consider adopting a mechanism to verify the identification of all individuals taking their exams.

The Environmental Protection Agency (EPA) should require positive verification of the identity of all individuals taking a private or commercial pesticide applicator certification exam.

Perspective

CTAG is conducting a comprehensive assessment of the pesticide applicator certification program. One component of that assessment is to review procedures which pertain to the identification of candidates for the issuance of pesticide certification credentials. This is particularly important in light of increased concerns related to homeland security.

Indeed, the need for more security in our existing documentation system was highlighted by the 9/11 Commission Report:

"The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." (see Chapter 12, p. 390.)

In our review, CTAG has found that there are widely divergent requirements for verifying identifications among states as well as between the types of credentials being granted (private versus commercial.) These inconsistencies, or in some case deficiencies, could and have resulted in people obtaining credentials under false pretenses.

Background

Currently, there are no national standards for positive identification (i.e., photographic identification) for candidates taking a certification exam. Until May of 2005, there was not even a national standard on the issuance of drivers licenses. (Now there is with the enactment of the federal “Real ID Act” or Public Law 109-13, see Appendix 1.)

States, tribes, and territories vary considerably on requiring some form of positive identification for pesticide applicator exam candidates. A CTAG survey conducted in 2002 asked SLAs if positive identification was required before their exam was administered. The results are as follows:

- Private applicators, 50 responses:
 - 17 = yes
 - 33 = no
- Commercial applicators, 50 responses:
 - 29 = yes
 - 21 = no
- Structural pest control, 3 responses:
 - 3 = yes
 - 0 = no

Where positive identification is required, it is usually driven by policy rather than by statutory or regulatory authority. Further, if a policy exists, they are highly variable as demonstrated below:

- **Washington State Department of Agriculture:** Instructions for Exam Candidates--You must be prepared to present picture identification and to pay all license fees at the time of testing.
- **Virginia Department of Agriculture:** Instructions for Exam Candidates--Commercial Pesticide Applicator and Registered Technician exams may be taken at any Virginia Department of Motor Vehicles Customer Service Center during business hours. Exams at DMV are given on a touch screen automated system. Written exams may be taken by appointment at the twelve VDACS testing centers listed below. You must have a Notice of Authorization and photo identification in order to take an exam at any location. Exams for Marine Antifouling Paints (TBT) and Sewer Root Control are not available at DMV sites.
- **North Dakota State University:** Policy for Extension Proctors--Clients must be positively identified before taking the exam. This means that a valid photo identity card issued by a state or federal agency must be requested and reviewed. (Exceptions can be made for the photo requirement if religious belief forbids photographs, i.e., the Amish.)
- **Office of the Indian State Chemist:** Instructions for Exam Candidates--Upon arriving at the Assessment Center, you will be required to provide one official government-issued photo identification ID listed below and sign a roster identifying yourself as the candidate. You must bring current, unexpired photographic identification as listed below:
 1. driver’s license with photograph
 2. passport with photograph

3. military identification with photograph
4. green card with photograph
5. DMV identification card with photograph

NOTE: A temporary driver's license or any other temporary form of identification, even if it includes a photograph, is not acceptable.

- **Texas Structural Pest Control:** Policy Instructions for Applicants--You must bring a picture ID in order to be allowed to test.

Other states, by virtue of their certification systems for private applicators, do not confirm the identity of who actually takes a certification exam because they use an on-line certification tutorial, and/or take home exams. This is the case with Minnesota and South Dakota private applicators. (Note, in recent months, both states have made modifications and are considering further changes to their systems to address this matter.)

Further, without requiring some form of positive identification and appropriate exam proctoring, a surrogate could take a pesticide applicator certification exam. This has been documented in several states; CTAG has first hand experience with such cases in Washington and North Dakota.

Consequently, an unqualified person who has falsely become "certified" and "licensed" could purchase any amount of Restricted Use Pesticides (RUP), use or supervise the use of the illegally-purchased pesticides, and in certain instances even use the false credentials to gain access to secure pesticide storage facilities. The latter raises serious questions for homeland security and for simply securing pesticide from people who harbor malicious intent.

Q & A regarding positive identification of exam candidates

What are the risks to maintaining the status quo?

1. We fail to carryout our regulatory obligation to ensure that applicators who use RUPs are who they purport to be and are competent. This implies to the general public that certifications credentials can **easily** be obtained by untrained and anonymous individuals.
2. Unqualified people, that have not demonstrated competence, could **easily** obtain credentials.
3. Terrorists may **easily** obtain credentials under false pretenses and may then obtain other documents or material to facilitate their attacks against this country.
4. Finally, people who are mentally unbalanced, or who wish to engage in acts of vandalism, assault, or homicide have been known to use pesticides as weapons. Without some minimal system of verifying identity, they could engage in these acts **without difficulty**.

Is this an over-reaction to 9/11?

CTAG believes checking credentials would provide a layer of security which may reveal inconsistencies that could then be shared with and acted upon by law enforcement agencies. Further, simply asking questions of candidates for exams is not burdensome and would go a long ways towards:

- Providing minimal deterrence for people who would casually abuse the system by obtaining credentials for friends, family, or co-workers.
- Providing minimal deterrence for people who wish to engage in acts of vandalism, malicious destruction, assault, or even homicides with pesticides.
- Setting a good example by showing pesticide dealers that checking credentials is not just the job of those being regulated (the pesticide sales industry) but it is also the job of regulators (those issuing the credentials).
- Complying with federal law and satisfying Congress. Indeed, the Real ID Act implies that people need to identify themselves when engaging in activities which could be distorted and thereby threaten the security of the country. Clearly, making it easy for someone to purchase highly toxic pesticides (for terrorist purposes) is not consistent with the desire of decision makers.

What about law abiding clients, will they take this as being a high handed and paranoid reaction by bureaucrats?

Some candidates may react negatively to this. However, most will not even notice the change since they already have to produce identification to cash checks or to purchase controlled substances (tobacco, prescription and some over the counter drugs, alcohol, or firearms.) Many will see it as a reasonable request which is consistent with the norms and concerns of society.

What about people who would object to producing identification for religious purposes?

A positive identification requirement may present some difficult issues in situations where legitimate religious beliefs and practices of some people prohibit them 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 person's signature. The other form of identification may include documents such as a checking statement or a utility bill that shows the person's name and current address.

SLAs may encounter such individuals (the Amish, for example) in connection with pesticide applicator certification or recertification exams. Reviewing multiple forms of non-photo identification may increase staff time in verifying a person's identity, but this would only occur in very few cases, the vast majority of candidates will have government issued photographic identification. Regardless, SLAs should refuse to administer a certification or recertification exam to any individual who cannot be positively identified.

What will this cost?

The potential impact of requiring positive identification through the use of existing photo identification documents including a state-issued driver's license (or "non-driver" photo identification document) or a U.S. government issued passport, military identification card, or immigration "green" card will be minimal. It should cause little inconvenience for the proctor to verify a candidate's identity. In order to minimize staff time, some states collect identification at the beginning of the exam, review them and then return them to the applicant after the exam materials are returned.

What about states who cannot physically inspect identifications because of the nature of their certification systems?

These states would have to revamp their systems and this would have at least short term negative financial impacts. However, implementation of any national standard would take time (at least two to three years), and presumably, in the interim, new resources or alternative schemes of administering exams could be identified and adopted.

Recommendation

SLAs who do not currently ask for any form of identification before administering exams should review their policies, regulations, and laws and consider adopting a means of verifying who is taking their exams. All states that lack the necessary legal authority to positively identify candidates, should begin the process of obtaining it through rule making or via statutes.

At the federal level, EPA should implement requirements to positively verify the identity of all individuals taking a private or commercial pesticide applicator certification exam. To improve security, positive identification should be determined through the use of photo identification documents issued by a U.S. government agency or affiliated jurisdiction (states, tribes, or territories). Acceptable photo identification documents should be limited to:

- a driver's license or "non-driver" photo identification document issued by a state, tribe or territory,
- a U.S. government issued passport,
- a U.S. military identification card,
- or a U.S. immigration "green" card.

Any implementation of a national standard by EPA should include exemption provisions for those individuals who are legitimately photo-averse. In these rare instances, at least two forms of non-photo identification documents should be required. At least one such document must be a government issued document, such as a social security card, which bears the holder's signature. Other non-photo identification documents must identify the holder by name and address. In all cases, the name of the person taking the exam must match the name on each non-photo identification document. (These exceptions are consistent with standard practice in the airline industry.)

Appendix 1

The Federal “Real ID” Act, now P.L. 109-13

May 11, 2005

Title II: Improved Security for Driver's Licenses and Personal Identification Cards

(Sec. 202) Prohibits Federal agencies from accepting State issued driver's licenses or identification cards unless such documents are determined by the Secretary to meet minimum security requirements, including the incorporation of specified data, a common machine-readable technology, and certain anti-fraud security features.

Sets forth minimum issuance standards for such documents that require: (1) verification of presented information; (2) evidence that the applicant is lawfully present in the United States; and (3) issuance of temporary driver's licenses or identification cards to persons temporarily present that are valid only for their period of authorized stay (or for one year where the period of stay is indefinite).

(Sec. 203) Requires States, as a condition of receiving grant funds or other financial assistance under this title, to participate in the interstate compact regarding the sharing of driver's license data (the Driver License Agreement).

(Sec. 204) Amends the Federal criminal code to prohibit trafficking in actual as well as false authentication features for use in false identification documents, document-making implements, or means of identification.

Requires the Secretary to enter into the appropriate aviation security screening database information regarding persons convicted of using false driver's licenses at airports.

(Sec. 205) Authorizes the Secretary to make grants to assist States in conforming to the minimum standards set forth in this title.

(Sec. 206) Gives the Secretary all authority to issue regulations, set standards, and issue grants under this title. Gives the Secretary of Transportation all authority to certify compliance with such standards.

Authorizes the Secretary to grant States an extension of time to meet the minimum document requirements and issuance standards of this title, with adequate justification.

(Sec. 207) Repeals overlapping document provisions of the IRTPA.

(Sec. 208) States that nothing in this title shall be construed to affect the authorities and responsibilities of the Secretary of Transportation or the States under existing laws governing the establishment of a National Driver Register.