

Legend for web-based data entry

- Blue Text – Pulldown menu with all State, Territory, Tribe, and Federal Agency information already in database
- Orange Text – Automatically filled as soon as State, Territory, Tribe, or Federal Agency is selected, previously collected data by EPA.
- Green Text – Check box
- Red Text – Requires Email of attachment to EPA for virus checking, can then PDF file to database from EPA
- Brown Text – Text Box, error checking if check box associated with text box
- Pink Text – HELP: 1) to 40CFR171.7 and Form 5700-33H for “self-referencing” or, 2) to helpful hints for further information
- Reminders for PREP consideration

Reasons to update process for submitting certification and training plans and annual quarterly reports:

1. Convenient, streamlined tool for submitting and assessing of C&T Plans and annual reports.
2. Combine 40 CFR 171.7 requirements with EPA Form 5700-33H Accomplishments Report for Applicator Certification.
3. Provide for acknowledgment of C&T efforts beyond 40 CFR 171 requirements.
4. Provide consistent national C&T Plans and annual report request (no longer quarterly) for more standard interpretation across states; eliminate duplicate reporting
5. Provide mechanism for more easily updated C&T Plan when changes occur or when states want to add New or revised support documents (a new Opinion Letter from the Attorney General)
6. Provide a self-referencing document (web or paper) for submitting C&T Plan and reporting
7. Facilitate EPA review/approval of C&T Plans and annual report (may not require FR Notice).
8. Allow States, Territories, Tribes, or Federal Agencies to view or print their C&T Plan and reports, if desired.
9. Annually update only sections or C&T Plan where changes have been made.
10. Provide for pre-planning for federal regulatory changes.
11. Facilitate access to C&T program database.

Explanation of changes to 40 CFR 171.7 original language:

1. Not solely referencing restricted use pesticides, since many, States, Territories, Tribes, or Federal Agencies certify beyond that measure
2. Allow for acknowledgment of C&T efforts beyond 40 CFR 171 requirements

Access and

1. All C&T leads would have login ID and passwords
2. All Regional C&T leads would have access to login ID and passwords for their regional States, Territories and Tribes
3. Specific EPA Headquarter personnel would have access to all login ID and passwords.
4. EPA Headquarters would have access to download entire database for comparisons
5. EPA, States, Territories and Tribes need to develop Phase 2 reporting items

Reporting

1. Full print of all data
2. State Plan (part 1)
3. Updated items for Part 1
4. Full Report (part 2), per state and national total
5. Old 5700 data
 - a. New applicators
 - b. Applicators recertified
 - c. Applicators holding certificate
 - d. Participation 3 questions
 - e. Enforcement issues 5 questions

Project Development

Phase 1 – Web Database development for input, including error checking, and Minor Reporting Items

Estimated timeline for development is 6 months (12 weeks, should anticipate 24 weeks) \$25-40K (\$52/hour)

Need to develop HELP text; Need text version for 40CFR171.7 for HTML coding

Need to decide on Phase 1 Reporting Items

Need to Develop process for emailing PDF files for virus clearance before addition to database

Phase 2 – Detailed Reporting Programming

If "OTHER" is consistently checked, revisit if a check box would be appropriate.

Phase 3 – Programming for Public View

Questions to ask as you work through the template?

1. Does it meet FIFRA, 40 CFR, 5700?
2. Are the questions and responses clear, concise, and nationally practical?
3. What type of web interface would work best
 - i. pulldown - **we need to define the list**
 - ii. check box - **we need to define the list**
 - iii. text box, etc.
4. Is a current HELP a benefit, or do we need to develop a HELP where none currently exist?
 - i. shall we simply quote FIFRA, 40CFR - **we need to highlight and note that text in the reference for each HELP**
 - ii. what informational text needs to be written - **we need to clearly define the text**
5. Will the question, as written, eliminate the current problem with duplicate reporting. Can we ask other questions to better nationally, standardize answers?
6. What new questions do we need to develop indicating current certification and training program attributes or accomplishments?
7. Are there logical breaks in template? To assist the programmer in setting up the web template, we need to define some logical sections breaks that will allow the C&T manager the ability to only complete a section at a time
 - i. For example; Section 1 – introductory information, Section 2 – Q’s 1&2, Section 3 – Q’s 3,4,5, Section 4 – 6-20, Section 5 – Q’s 21-25, Section 6 Q’s 26-31, and Section 7 Q’s 32-end
8. Will a print-out of the entire state plan/report suit your needs at this point in time - reporting Phase 2 of the project, public access and viewing – Phase 3 of the project.
9. Database will incorporate error checking items; thus you will not be able to proceed unless certain items are filled out and completed.
10. What do you like (or dislike) about the template and web-based strategy for reporting your State Plan and annual reports?

TITLE: Pesticide Certification & Training (C&T) Plan and Annual Reporting

State Pulldown, **Territory** Pulldown, **Tribe** Pulldown, **Federal Agency** Pulldown –pulldown for each group

Logon ID

Password

Kathleen: Have database option to DUPLICATE the data from past year into current year's fields, and then only have to update

Kathleen: All Items need the UPDATE ability to be altered (Save/Delete/Update)

Kathleen: Flag any item updated in PART 1.

Kathleen: PDF compatibility, is it an issue. Write in version 5, open in 4 or lower?

Kathleen: PDF and ADA, how does the University deal with this issue?

Reporting Period

Annual reporting period (Activity Period and Activity Year)

Month/Year begin– text box TO Month/year end – text box EPA database foundation

_____text box_____Last update

_____text box_____Last Date for completion of plan revision and annual report by C&T Plan Lead

_____text box_____Last Date Plan and Report Reviewed by EPA

_____text box_____Name of EPA Reviewer for above date

Plan Contact

Principal Contact for C&T Plan and Annual Reporting: Certification and Training Lead: name, title, address, email, phone, and fax – text box for each

HELP- Contact will be a single person working for the agency will the overall responsibility of administering the C&T Plan and will report information and data for each of the listed C&T Plan cooperators. EPA database foundation

PART I: C&T Plan Administration and Organization

Section Breaks: Plan Administration, Legal Authority, Personnel & Funding, Conformity, Competency Standards, Examination, Accept Other Certification, State Reciprocity, Regulatory Controls, Proposed Changes

<p><i>Plan Administration</i></p> <p>1. C&T Plan and Report for: <input type="radio"/> Both Private and Commercial Applicators – radio button (single selection only allowed) <input type="radio"/> Private Applicators only <input type="radio"/> Commercial Applicators only EPA database foundation</p>	
<p>2. (171.7a) Name of Lead State, Territory, Tribe, or Federal Agency designated as responsible for administering the C&T Plan for pesticide applicators, including 40 CFR 171.7 requirements for certification of commercial and private applicators of restricted use pesticides (RUPs). Text Box for Name and Address (HELP Private Applicator: certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing an agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person. Commercial Applicator: certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of “private applicator”.)</p>	
<p>3. (171.7a) Identify all other agencies or organizations that are involved in administering portions of the C&T Plan. Identify, by job title only, the principal officials of the cooperating unit. Click to ADD Lead and other agency/unit and job titles per major job descriptors Text Box for Lead agency and cooperating agencies/units (REPEAT UP TO 5 Entries) Pulldown job descriptor followed by Text box for Official Job Title</p> <ul style="list-style-type: none"> • Head of Agency or Extension Director -- Text box for Official Job Title • Head of Pesticide Program or Ext. Asst. Director --Text box for Official Job Title • Head of Certification Program or Extension Specialist --Text box for Official Job Title <p>Identify the function performed by the each cooperating unit (select all that apply).</p> <ul style="list-style-type: none"> <input type="checkbox"/> approve training <input type="checkbox"/> conduct training <input type="checkbox"/> testing <input type="checkbox"/> certification/licensing <input type="checkbox"/> enforcement <p style="text-align: right;">EPA database foundation</p>	
<p>4. (171.7d) Will the State, Territory, Tribe, or Federal Agency complete an annual report using Part II of this C&T Plan and Annual Report web site? <input type="radio"/> Yes <input type="radio"/> No</p>	

Legal Authority

5. (171.7b) Do you have an EPA-approved C&T Plan on file that provides **satisfactory assurances** of legal authority?

- No, pending enactment, but approved by EPA on contingent basis (radio box, single selection only, no 1, no 2, yes)
- No, pending enactment. If no, contact EPA for assistance by **Email to EPA**

Yes. For those answering yes, provide the text of the “opinion” and supporting citations for law & code that pertains to C&T administration for each agency with responsibility (if more than one).

5a. Email PDF file of “Attorney General Opinion or Legal Counsel” to EPA (virus clearance) (PDF files become hotlinked URL PDF file)

5b. Cite the name of the state law/regulation and legal code. (MULTIPLE LIST/Add button)

5c. Provide URL **or email PDF file of law/regulation & code**.

(HELP - satisfactory assurances should be in the form of an opinion of the attorney general or the legal counsel of the Lead agency.)

(help button to assist with mechanics of adding a web site link or attaching files)

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6. Identify the citation to specific laws and/or regulations that the State, Territory, Tribe, or Federal Agency has legal authorities, as follows:

6a. (171.7b1iiiA) Provisions for and listing of the acts which constitute the grounds for denying, suspending and revoking certification of applicators and for assessing criminal or civil penalties. Such grounds should include, at a minimum, misuse of a pesticide and falsification of any records required to be maintained by the certified applicator.

6a1. Fill in citation(s), multiple list of at least 10

6a2. Provide URL **or email PDF file of law & code**.

6b. (171.7b1iiiB) Provisions for reviewing an applicator's certification to determine whether suspension or revocation of the certification is appropriate in the event of criminal conviction under section 14(b) of the amended FIFRA, a final order imposing civil penalty under section 14(a) of the amended FIFRA, or conclusion of a State enforcement action.

6b1. Fill in citation(s), multiple list of at least 10

6b2. Provide URL **or email PDF file of law & code**.

6c. (171.7b1iiiC) Provisions for right-of-entry by consent or warrant by appropriate State officials at reasonable times for sampling, inspection, and observation purposes.

6c1. Fill in citation(s), multiple list of at least 10

6c2. Provide URL **or email PDF file of law & code**.

6d. (171.7b1iiiD) Provisions making it unlawful for persons other than certified applicators or persons working under their direct supervision to use restricted use pesticides.

6d1. Fill in citation(s), multiple list of at least 10

6d2. Provide URL **or email PDF file of law & code**.

6e. (171.7b1iiiE) Provisions requiring certified commercial applicators to keep and maintain for the period of at least two years routine operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use pesticides; and for ensuring that such records will be available to appropriate State officials.

6e1. Fill in citation(s), multiple list of at least 10

6e2. Provide URL **or email PDF file of law & code.**

Personnel & Funding

7. (171.7b2) Assure that the State, Territory, Tribe, or Federal Agency (and cooperating agencies/units) have designated personnel positions necessary to carry out the C&T Plan, in addition to the principal officials noted in the Plan Administration section. Provide the approximate number of personnel (as required by CFR 171.7), Full Time Equivalent (FTE) (NOT required by CFR 171.7) and job function for each of the Lead and cooperating units.

Federal, State, Territory, Tribal Lead Agency (auto entry from earlier for all Lead/cooperating units)

- C&T Specialists or Extension Specialists number_____ FTE_____
- Field Supervisors/Inspectors/Educators/Agents number_____ FTE_____
- Administrative and Clerical number_____ FTE_____
- Other section personnel who support C&T or Extension number_____ FTE_____ EPA database foundation

8. (171.7c) Characterize the sources of devoted funds used by the Lead agency to administer the C&T Plan. (select all that apply)

- Product Registration/licensing fees
- State general funds
- Certification/license/testing fees
- Other_____text box_____
- Other_____text box_____
- Enforcement actions
- In kind memorandum of understanding (MOU)
- Other_____text box_____
- Other_____text box_____

Conformity

9. Indicate that the State, Territory, Tribe, or Federal Agency conform and are at least equal to the definitions and standards prescribed in 40 **CFR 171.2, 171.4-6** for commercial and private applicators.

	Commercial Applicators	Private Applicators
Does your C&T Plan conform to 40CFR 171.2 definitions?	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Does your C&T Plan conform to 40CFR 171.2 definitions of supervision	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Does your C&T Plan conform to 40CFR 171.4-6 competency standards	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

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10. **(171.7e2)** Do you have a provision for issuance of appropriate credentials or documents verifying certification of applicators?

Commercial Applicators

No

Yes, we provide a certification or license credential/document and it has the following appearance (select all that apply)

<input type="checkbox"/> Wall document/certificate	<input type="checkbox"/> Wallet ID card	<input type="checkbox"/> Wallet ID card with photo
<input type="checkbox"/> Wallet ID card with Bar-coded/magnetic strip	<input type="checkbox"/> Wallet ID card with photo and Bar-coded/magnetic strip	
<input type="checkbox"/> other – text box		

Private Applicators

No

Yes, we provide a certification or license credential/document and it has the following appearance (select all that apply)

<input type="checkbox"/> Wall document/certificate	<input type="checkbox"/> Wallet ID card	<input type="checkbox"/> Wallet ID card with photo
<input type="checkbox"/> Wallet ID card with Bar-coded/magnetic strip	<input type="checkbox"/> Wallet ID card with photo and Bar-coded/magnetic strip	
<input type="checkbox"/> other – text box		

11. Do you provide testing accommodations for **private applicators** who are unable to read a state-registered product label as prescribed in **171.5(b)(1) and 171.7e1iiD**?

Yes (provide brief description) _____text box_____ No accommodation made No testing requirement

12. **(171.4e)** Do you allow exemptions from certification for: a) persons conducting laboratory type research involving RUPs, and b) doctors of medicine and doctors of veterinary medicine who apply pesticides as drugs or medication during the their normal course of practice?

Lab Research Yes No MD Yes No DVM Yes No

Competency Standards

13. (171.7e1iA,C, 171.7e1iiB) Select the EPA Category for which you have a comparable State, Territory, Tribe, or Federal Agency certification category or subcategory for both Commercial and Private Applicators. If there is not an EPA comparable category, provide a brief description of your Commercial and Private Applicator categories or subcategories and their respective standards of competency (1-3 paragraphs). *(KATHLEEN all of these items will be used through in other sections)*

Click ADD for each category or subcategory

<input type="radio"/> Commercial	----	Your category/subcategory name	-----	EPA Comparable Category	-----	Non-comparable to	-----	List standards of
<input type="radio"/> Private		Text box		Name Multiple List by Pulldown		EPA give brief description		competency
								EPA database foundation

EPA Comparable Category Pulldown

- Agricultural Pest Control (1)
- Agricultural Pest Control - Plant (1i)
- Agricultural Pest Control - Animal (1ii)
- Forest Pest Control (2)
- Ornamental and Turf Pest Control (3)
- Seed Treatment (4)
- Aquatic Pest Control (5)
- Right-of-Way Pest Control (6)
- Industrial, Institutional, Structural and Health Related Pest Control (7)
- Public Health Pest Control (8)
- Regulatory Pest Control (9)
- Demonstration and Research Pest Control (10)

Examination

14. (171.7e1iD, 171.7e1iiC) For each category and subcategory listed under § 171.7(e)(1)(i)(A), describe your examination requirements, exam format and examination session controls required for initial certification (select all that apply).

Private applicators do not take an examination

No private exam, all commercial the same, possibly with a few exceptions (fill out information once and ADD exceptions)
email description of methods other than examination used to determine competency of private applicators.

Core and category different

- Core details
- Category details, possibly with a few exceptions (fill out information once and ADD exceptions)

Core and Category the same, Commercial and Private the same

- Private and commercial the same, possibly with a few exceptions (fill out information once and ADD exceptions)

Core and Category the same, Commercial and Private different

- All commercial the same possibly with a few exceptions (fill out information once and ADD exceptions)
- All private the same possibly with a few exceptions (fill out information once and ADD exceptions)
- Most categories differ in definitions of supervision requirements: Your Private and Commercial State Categories/Subcategories – each one is generated from the database from Part 1. (fill out per category)

Examination requirements (select one only)

- no examination required
- voluntary examination available
- mandatory examination required

Exam Format (select all that apply)

- paper format
- computer testing: on-line
- computer testing: not on-line

Exam Type (select all that apply)

- core in combination with category
- core separate from category
- oral exam available
- pass/fail per section of exam
- pass/fail on entire exam
- Non-English exam available
- open-book written exam
- closed-book written exam
- take home exam

Exam questions used (select all that apply)

- multiple choice
- true false
- short answer/essay
- matching
- fill in the blank
- performance testing/practical

Exam session information (select all that apply)

- proctored exams
- photo ID required
- specific retake requirements

Accept Other Certification

15. (171.7e4) Does the State, Territory, or Tribe accept Federal employees qualified under the **Government Agency Plan (GAP)** as fully meeting the requirements for certification by that State, Territory, Tribe, or Federal Agency , or do you require additional conditions?

No, we do not accept GAP at this time

Yes, we accept GAP at this time with:

Click **ADD** for each Agency

Agency Pulldown for each agency that you recognize

with no additional requirements

but they must pass State, Territory, Tribe, or Federal Agency law/reg. test

other conditions required _____text box_____

List for Pulldown menu: Dept. of Defense, Dept. of Interior- Bureau of Land Management, Dept. of Interior- Bureau of Indian Affairs, Dept. of Interior- National Park Service, Dept. of Energy – Bonneville Power Administration, Dept. of Agriculture- Animal Plant Health Inspection Service

HELP for GAP: Government Agency Plans (GAPs) are Certification and Training Plans of Federal employees that are submitted to EPA by other Federal Departments and/or Agencies (Dept. of Defense, USDA, etc.) to provide for certification of their employees whose duties may require them to use or supervise the use of RUPs on Federal lands or areas under their jurisdiction (military bases, Federal wildlife preserves, etc.). Federal employees certified under approved GAPs are recognized by EPA as having a certification equivalent to that obtained under EPA's Federal program standards (40 CFR 170.9).

16. (171.10, 171.7e5) Does the state have any cooperative agreements with any Tribal/Indian Governing Body to certify or assist in the certification of applicators not subject to state jurisdiction?

No Yes, list Tribal/Indian Governing Body _____text box_____

State Reciprocity

17. (171.7e6) Does the State, Territory, Tribe, or Federal Agency have reciprocity with other States or jurisdictions for the acceptance of certified **commercial applicators** from those states or jurisdictions?

- No, we have no reciprocity arrangements
- Yes, we do have reciprocity arrangements

Click ADD for each Lead or Cooperating Agency

Agency Pulldown each Lead or Cooperating Agency with Reciprocal Arrangements

Text box for all state that you have reciprocity arrangements

The arrangement with reciprocating states provides (mark all that apply):

- for state issuance of our state's credential
- for enforcement on out-of-state applicators certified in state
- details on the comparable standards of competency per each category identified in the arrangement

18. (171.7e6) Does the State, Territory, Tribe, or Federal Agency have reciprocity with other States or jurisdictions for the acceptance of certified **private applicators** from those states or jurisdictions?

- No, we have no reciprocity arrangements
- Yes, we do does have reciprocity arrangements

Click ADD for each Lead or Cooperating Agency

Agency Pulldown each Lead or Cooperating Agency with Reciprocal Arrangement

Text box for all state that you have reciprocity arrangements

The arrangement with reciprocating states provides (mark all that apply):

- for state issuance of our state's credential
- for enforcement on out-of-state applicators certified in state
- details on the comparable standards of competency per each category identified in the arrangement

Certification Controls

19a. (171.7f) For **RUPs**, which of the following groups of people do you **certify** within your C&T plan for use, sales or recommendations?
(generic HELP with part 1 and 2)

Applicators

- private applicators
- commercial – for hire – applicators
- qualified supervisors
- public applicators (govt. employees)
- commercial - not for hire – applicators
- technicians

Sales

- RUP dealers
- home and garden retailers

Recommendations

- pest control consultants/advisor

HELP part 1– Certify incorporates 1) meets the standard, 2) have authority, and 3) can supervise (except those who make recommendations)

HELP part 2 – public=city, county, state, federal, public utility employee; commercial not for hire=non-public employee, not for hire employee, but applies or supervises.

19b. (171.7f) For **non-RUPs**, which of the following groups of people do you **certify** within your C&T plan for use, sales or recommendations? (generic HELP with part 1 and 2)

Applicators

- private applicators
- commercial – for hire – applicators
- qualified supervisors
- public applicators (govt. employees)
- commercial - not for hire – applicators
- technicians

Sales

- RUP dealers
- home and garden retailers

Recommendations

- pest control consultants/advisor

HELP part 1 – Certify incorporates 1) meets the standard, 2) have authority, and 3) can supervise (except those who make recommendations)

HELP part 2 – public=city, county, state, federal, public utility employee; commercial not for hire=non-public employee, not for hire employee, but applies or supervises.

Proposed Changes

20. (171.7d1v) In the next 12 months, do you intend to make any significant changes to enforcement activities related to the use of RUPs?

- No Yes, text box for paragraph or two Yes, **for longer document, email pdf**

21. (171.7d1iv,vi) In the next 12 months, do you intend to make any significant changes to other areas of certification and training?
(select all that apply)

- No
 Yes, add categories _____text box_____
 Yes, delete categories _____text box_____
 Yes, other, _____text box____ for paragraph or two
 Yes, other, **for longer document, email pdf**

PART II -- C&T Plan Standards and Reporting

Section Breaks: Numbers/Cycles, Recertification, Certification Controls, Direct Supervision, Training, Participate-Monitor- Enforce, Communication, Additional Information

<p><i>Numbers/Cycles</i></p> <p>22. Total number of applicators for the annual reporting period. ____ number of individuals with commercial applicator certification ____ number of individuals with private applicator certification</p>
<p>23. Total number of applicators for the annual reporting period (171.7d1i, 171.7e1iB, 171.7e1iiA, 5700-33H). Your Private and Commercial State Categories/Subcategories – each one is generated from the database from Part 1. ____ Newly Certified Applicators (HELP - count people who lapsed and came back into the system and include reciprocity applicators) ____ Applicators Recertified (HELP - by continuing education, examination, or testing) ____ Applicators holding a valid certificate by end of reporting period Click for NEW PLAN ONLY ____ Projected Certified Applicators ____ Projected Applicators Recertified</p>
<p>24. Certification/license and recertification cycles and requirements (5700-33H). Your Private and Commercial State Categories/Subcategories – each one is generated from the database from Part 1. ____ years for certification/license cycle ____ years for recertification cycle ____ number of continuing education credits required per cycle, if applicable</p>

Recertification

25. Characterize recertification options available to commercial applicators (select all that apply)

- Retest Option Available (select one)
 - original certification examination
 - distinct recertification examination
- Requires attendance at a single course offering
- Continuing education (select all that apply)
 - classroom, workshop, conference, etc
 - proctored correspondence/internet
 - non-proctored correspondence/internet
 - other _____
- Reciprocal agreement
- Other _____

26. Characterize recertification options available to private applicators (select all that apply)

- Retest Option Available (select one)
 - original certification examination
 - distinct recertification examination
- Requires attendance at a single course offering
- Continuing education (select all that apply)
 - classroom, workshop, conference, etc
 - proctored correspondence/internet
 - non-proctored correspondence/internet
 - other _____
- Reciprocal agreement
- Other _____

Regulatory Controls

27. Identify other regulatory activities (processes) implemented under your law/regulations which contribute to control of the use of RUPs?

Regulate these occupational groups whose work is associated with pesticides

- | | | |
|--|---|---|
| <input type="checkbox"/> home & garden dealers | <input type="checkbox"/> termite and home inspectors | <input type="checkbox"/> apprentices |
| <input type="checkbox"/> WPS trainers | <input type="checkbox"/> WPS handlers | <input type="checkbox"/> Mixers and Loaders |
| <input type="checkbox"/> Master Level applicator | <input type="checkbox"/> Other - _____ text box _____ | <input type="checkbox"/> Other - _____ text box _____ |

Regulate these other pesticide related processes

- | | | |
|---|--|---|
| <input type="checkbox"/> commercial applicator minimum age __text box for age__ | <input type="checkbox"/> private applicator minimum age __text box for age__ | |
| <input type="checkbox"/> RUP dealer business license | <input type="checkbox"/> prescription use | <input type="checkbox"/> application permits |
| <input type="checkbox"/> Single product-use training | <input type="checkbox"/> Other - _____ text box _____ | <input type="checkbox"/> Other - _____ text box _____ |

Direct Supervision

29. What constitutes direct supervision of uncertified applicators under your law/regulation for the following categories?

- Private and commercial the same (fill out information once)
- All commercial the same (fill out information for commercial)
- All private the same (fill out information for privates)
- Categories differ in definitions of supervision requirements: **Your Private and Commercial State Categories/Subcategories – each one is generated from the database from Part 1.** (fill out per category)
- Direct supervision is not based on certification type or category definition (for example, based on signal word) ____text box for explanation____
 - No provision
 - Certified applicator must be available if needed
 - Certified applicator must be available by phone, radio, or other technology
 - Certified applicator must be on site
 - Certified applicator must be within sight and hearing distance

Training

30. Identify the types of initial training (prior to examination or license/certificate) available for your certified applicators. (mark where applicable)

- Private and commercial the same (fill out information once)
- All commercial the same (fill out information for commercial)
- All private the same (fill out information for privates)
- Categories differ in definitions of supervision requirements: **Your Private and Commercial State Categories/Subcategories – each one is generated from the database from Part 1.** (fill out per category)
 - Required training course
 - Required on-the-job training, apprenticeship, or technician position
 - Optional self-study available, such as manuals, CDs, videos
 - Optional classroom style training available
 - Optional on-the-job training

31. Does the State, Territory, Tribe, or Federal Agency accept private-sector training (non-C&T Plan cooperators) for continuing education/recertification?

- No
- Yes

Commercial Applicators

- Grower Associations
- Dealer and retailers
- Industry Associations
- Private Education firms
- Chemical manufacturer

Private Applicators

- Grower Associations
- Dealer and retailers
- Industry Associations
- Private Education firms
- Chemical manufacturer

32. Does the C&T Plan administrator provide funding for training with the Plan's cooperating partners and others? (does not include in-kind dollars). If yes, identify cooperating partners that you provide funds for training.

- No
- Yes

HELP – conference, courses, workshops, manuals, videos, cd-roms, etc.

If yes, identify partners for trainings.

- Cooperative Extension
- Non-profit organization
- Other government agency
- other _____ text box _____
- Private company or association

If yes, characterize how funding is provided.

- annual MOU (fill in amount) \$ _____ text box _____
- competitive grants available
- other _____ text box _____

If yes, characterize funding sources.

- state general fund
- certification/license/testing fees
- civil penalties
- product registration/license fees or other appropriated dollars
- cooperative agreement dollars
- other _____ text box _____

Participate, /Monitor, Enforce

33. For this past year, indicate how many of the following training, participation and monitoring tasks were completed. (5700-33H).

- ___ Number of training programs (initial/recert) in which your agency participated in by giving a presentation?
- ___ Number of training programs (initial/recert) in which your agency was present to monitor (verify content, quality, and attendance)?
- ___ Number of continuing education course outlines or agendas your agency reviewed or approved for credit?

34. For this past year, indicate how many enforcement actions were taken on an applicators license/certification (5700-33H).

Commercial Applicator

- ___ Number of license/certificates your agency suspended this past year?
- ___ Number of license/certificates your agency revoked this past year?
- ___ Number of license/certificates your agency placed **conditions** on this past year?

HELP with examples – probation as portion of penalty, non reader, product specific, prenotification of application)

- ___ Number of license/certificates which had financial penalty actions (fines) assessed by your agency this past year
- ___ Number of license/certificates which had non-financial penalty actions (warning, advisory letters, etc.) assessed by your agency this past year?

Private Applicator

- ___ Number of license/certificates your agency suspended this past year?
- ___ Number of license/certificates your agency revoked this past year?
- ___ Number of license/certificates your agency placed **conditions** on this past year?

HELP with examples – probation as portion of penalty, non reader, product specific, prenotification of application)

- ___ Number of license/certificates which had financial penalty actions (fines) assessed by your agency this past year
- ___ Number of license/certificates which had non-financial penalty actions (warning, advisory letters, etc.) assessed by your agency this past year?

Communication

35. How often do you **formally** meet with your cooperating agencies/units listed in the C&T Plan?

Set of Each cooperating agencies/units listed in Part 1 (auto-fill)

- do not
- annually
- semi-annually
- quarterly or more

HELP – Formally is defined as a meeting which has an agenda and is for the purpose of C&T issues.

Additional Information

36. Provide any additional information that you would like to share with EPA (optional only, not required).

Heading – text box

Statement text box

HELP (Thank you Gina!)

Question 3

(171.7a) Designates a State agency as the agency responsible for administering the plan throughout the State. Since several other agencies or organizations may also be involved in administering portions of the State plan, all of these shall be identified in the State plan, particularly any other agencies or organizations responsible for certifying applicators and suspending or revoking certification. In the extent that more than one governmental agency will be responsible for performing certain functions under the State plans, the plans shall identify which functions are to be performed by which agency and how the program will be coordinated by the lead agency to ensure consistency of programs within the State. The lead agency will serve as the central contact point for the Environmental Protection Agency in carrying out the certification program. The numbers and job titles of the responsible officials of the lead agency and cooperating units shall be included.

Question 4

(171.7d) Provides that the State agency will make reports to the Administrator in a manner and containing information that the Administrator may from time to time require. . .

Question 5

(171.7b) Contains satisfactory assurances that such lead agency has or will have the legal authority and qualified personnel necessary to carry out the plan:

(171.7b1) Satisfactory assurances that the lead agency or other cooperating agencies have the legal authority necessary to carry out the plans should be in the form of an opinion of the Attorney General or the legal counsel of the lead agency. In addition:

(171.7b1i) The lead agency should submit a copy of each appropriate State law and regulation.

(171.7b1ii) In those states where any requisite legal authorities are pending enactment and/or promulgation, the Governor (or Chief Executive) may request that a State plan be approved contingent upon the enactment and/or promulgation of such authorities. Plans approved on a contingency basis will be subject to such reasonable terms and conditions, concerning the duration of the contingency approval and other matters, as the Administrator may impose. During the period of the contingency approval, the State will have an approved certification program and may proceed to certify applicators, who will then be permitted to use or supervise the use of pesticides classified for restricted use under FIFRA, as amended.

(171.7b1iii) The State plan should indicate by citations to specific laws (whether enacted or pending enactment) and/or regulations (whether promulgated or pending promulgation) that the State has legal authorities as follows:

Question 6a

(171.7b1iii A) Provisions for and listing of the acts which constitute grounds for denying, suspending, and revoking certification of applicators, and for assessing criminal and/or civil penalties. Such grounds should include, at a minimum, misuse of a pesticide and falsification of any records required to be maintained by the certified applicator.

Question 6b

(171.7b1iii B) Provisions for reviewing an applicator's certification to determine whether suspension or revocation of the certification is appropriate in the event of criminal conviction under section 14(b) of the amended FIFRA, a final order imposing civil penalty under section 14(a) of the amended FIFRA, or conclusion of a State enforcement action.

Question 6e

(171.7b1iii C) Provisions for right-of-entry by consent or warrant by appropriate State officials at reasonable times for sampling, inspection, and observation purposes.

Question 6d

(171.7b1iii D) Provisions making it unlawful for persons other than certified applicators or persons working under their direct supervision to use restricted use pesticides.

Question 6e

(171.7b1iii E) Provisions requiring certified commercial applicators to keep and maintain for the period of at least two years routine operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use pesticides; and for ensuring that such records will be available to appropriate State officials.

Question 7

(171.7b2) Satisfactory assurances that the lead agency and any cooperating organizations have qualified personnel necessary to carry out the plan will be demonstrated by including the numbers, job titles and job functions of persons so employed.

Question 8

(171.7c) Gives satisfactory assurances that the State will devote adequate funds to the administration of the plan.

Question 9

CFR 171.2, 171.4-6 (need to scan, what really need to go in this help box???)

Question 10

(171.7e) Contains satisfactory assurances that the State standards for the certification of applicators of pesticides conform to those standards prescribed by the Administrator under §§ 171.1 through 171.6. Such assurances should consist of:

(171.7e2) A provision for issuance of appropriate credentials or documents verifying certification of applicators.

Question 11

(171.7e1) A detailed description of the State's plan for certifying applicators and a discussion of any special situations, problems, and needs together with an explanation of how the State intends to handle them. The State plan should include the following elements as a minimum:

(171.7e1ii) For private applicators:

(171.7e1iiD) A description of any special procedure of testing that a State develops to determine the competency of a private applicator who is unable to read the label as prescribed in § 171.5(b)(1).

Question 12

(171.4e) (need to scan)

Question 13

(171.7e) Contains satisfactory assurances that the State standards for the certification of applicators of pesticides conform to those standards prescribed by the Administrator under §§ 171.1 through 171.6. Such assurances should consist of:

(171.7e1) A detailed description of the State's plan for certifying applicators and a discussion of any special situations, problems, and needs together with an explanation of how the State intends to handle them. The State plan should include the following elements as a minimum:

(171.7e1i) For commercial applicators:

(171.7e1i A) A list and description of categories and subcategories to be used in the State, such categories to be consistent with those defined in § 171.3.

(171.7e1i C) The standards of competency elaborated by the State. These shall conform and be at least equal to those prescribed in § 171.4 for the various categories of applicators utilized by the State. The standards shall also cover each of the points listed in the general standards in § 171.4(b) and the points covered in the appropriate specific standards set forth in § 171.4(c).

(171.7e1ii) For private applicators:

(171.7e1iiB) The standards of competency elaborated by the State. These shall conform and be at least equal to those prescribed in § 171.5(a), including the five requirements listed in § 171.5(a) (1) through (5).

Question 14

(171.7e1iD) For each category and subcategory listed under § 171.7(e)(1)(i)(A), either submission of examinations or a description of the types and contents of examinations (e.g., multiple choice, true-false) and submission of sample examination questions; and a description of any performance testing used to determine competency of applicators.

(171.7e1iiC) Types and contents of examinations and/or submission of detailed description of methods other than examination used to determine competency of private applicators.

Question 15

(171.7e4) A statement that the State accepts Federal employees qualified under the Government Agency Plan (GAP) as fully meeting the requirements for certification by that State; or a description of any additional requirements these employees must meet to apply restricted use pesticides in that State. Any such additional requirements shall be consistent with and shall not exceed standards established for other comparable applicators in that State.

Question 16

(171.7e5) A description of any cooperative agreements a State has made with any Indian Governing Body to certify or assist in the certification of applicators not subject to State jurisdiction. (§ 171.10).

Question 17 & 18

(171.7e6) A description of any arrangements that a State has made or plans to make relating to reciprocity with other States or jurisdictions for the acceptance of certified applicators from those States or jurisdictions. However, those arrangements should meet these conditions:

(171.7e6i) The State according reciprocity should provide for issuance of an appropriate document verifying certification based upon the certifying document issued by the other States or jurisdictions.

(171.7e6ii) The State according reciprocity should have enforcement procedures that cover out-of-State applicators determined to be competent and certified within the State or jurisdiction

(171.7e6ii) The detailed State or jurisdiction standards of competency, for each category identified in the reciprocity arrangement should be sufficiently comparable to justify waiving an additional determination of competency by the State granting reciprocity.

Question 19

(171.7f) In responding to the preceding requirements, a State may describe in its State plan other regulatory activities implemented under State laws or regulations which will contribute to the desired control of the use of restricted use pesticides by certified applicators. Such other regulatory activities, if described, will be considered by the Administrator in evaluating whether or not a State's certified applicator program satisfies the requirements of § 171.7 (a) through (e).

Question 20 & 21

(171.7d1) Provides that the State agency will make reports to the Administrator in a manner and containing information that the Administrator may from time to time require, including:

(171.7d1) An annual report to be submitted by the lead agency at a time to be specified by the State, to include the following information:

(171.7d1iv) Any significant proposed changes in required standards of competency.

(171.7d1v) Proposed changes in plans and procedures for enforcement activities related to use of restricted use pesticides for the next reporting period.

(171.7d1vi) Any other proposed changes from the State plan that would significantly affect the State certification program.

Question 23

(171.7d1) Provides that the State agency will make reports to the Administrator in a manner and containing information that the Administrator may from time to time require, including:

(171.7d1) An annual report to be submitted by the lead agency at a time to be specified by the State, to include the following information

(171.7d1i) Total number of applicators, private and commercial, by category, currently certified; and number of applicators, private and commercial, by category, certified during the last reporting period.

NEW PLAN ONLY (171.7e1) A detailed description of the State's plan for certifying applicators and a discussion of any special situations, problems, and needs together with an explanation of how the State intends to handle them. The State plan should include the following elements as a minimum:

(171.7e1iB) An estimate of the number of commercial applicators by category expected to be certified by the State.

(171.7e1iiA) An estimate of the number of private applicators expected to be certified by the State.