



EPA Certification Plan Outline for Federal Agencies

The Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) Section 3 gives EPA the authority to classify pesticides as restricted use or general use. Restricted use pesticides (RUPs) may be used only by a person who is a certified applicator or under the direct supervision of a certified applicator. Federal agencies that certify persons as applicators of RUPs must have an EPA-approved certification plan. In January 2017, the EPA revised the federal minimum applicator certification program requirements and the certification plan contents in the Certification of Pesticide Applicators (CPA) regulation at 40 CFR 171. Federal agencies with existing EPA-approved certification plans must submit to EPA by March 4, 2020 a revised certification plan to align with the January 2017 federal minimum program requirements and certification plan contents.

This document serves as a model outline for the order and contents of a federal agency certification plan for the certification of applicators of restricted use pesticides. It is intended for optional use by federal agencies to assist with development or modification to EPA-approved certification plans due to EPA by March 4, 2020.

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SECTION 1. CERTIFICATION PLAN ADMINISTRATION. The certification plan must provide the following information about the administration of their certification program:

Agency Name/Office/Division/Branch	
Primary Contact Name and Title <i>(i.e., the person responsible for plan administration, maintenance, and reporting to EPA)</i>	
Primary Contact Email	
Primary Contact Phone Number	
Primary Contact Mailing Address	

SECTION 2. ADMINISTRATIVE CONTROLS.

A. GENERAL PROVISIONS. [§171.305(b)(5)]

The application for Agency approval of a Federal agency certification plan must meet or exceed all of the applicable requirements in § 171.303. In place of the legal authorities required in § 171.303(b)(7), the Federal agency may use administrative controls inherent in the employer-employee relationship to accomplish the objectives of § 171.303(b)(7). The application for EPA approval of a Federal agency certification plan must include all of the following:

(a) PROVISIONS FOR GROUNDS FOR DENYING, SUSPENDING, OR REVOKING A CERTIFICATION. [§171.305(b)(5)]

The application for Agency approval of a Federal agency certification plan must include a detailed description of how the Federal agency will exercise its administrative authority, where appropriate, to deny, suspend, or revoke certificates of employees who misuse pesticides, falsify records, or violate relevant provisions of FIFRA.

(b) PROVISIONS FOR CERTIFIED APPLICATOR RECORDKEEPING. [§171.305(b)(5)]

The application for Agency approval of a Federal agency certification plan must include a commitment that the Federal agency will record and maintain for the period of at least two years routine operational records containing information on types, amounts, uses, dates, and places of application of restricted use pesticides and that such records will be available to State and Federal officials. Such recordkeeping requirements must require Federal agency employees certified as applicators to record and maintain, at a minimum, all of the records specified in § 171.303(b)(7)(vi). These records must include:

- Name and address of person for whom it was applied.
- Application Information–
 - Location,
 - Size of area treated,
 - Crop, commodity, stored product, or site to which the RUP was applied, and
 - Time and date of application.
- RUP Information –
 - Brand or product name,
 - EPA registration number, and
 - Total amount applied per location per application
- Certified applicator information–
 - Name and certification number, and
 - If a supervised application, the name of the noncertified applicator.
- Requirement of certified applicators to create or verify existence of records of noncertified applicator qualifications (171.201(e)).

B. PROVISIONS FOR APPLICATIONS MADE IN AREAS THAT ARE NOT SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION [171.305(e)]

If Federal agency applicators certified under the Federal agency plan will make any applications of restricted use pesticides in areas that are not subject to exclusive federal jurisdiction, the application for EPA approval of a Federal agency certification plan must meet all of the following requirements:

(1) PROVISIONS FOR COMPLYING WITH APPLICABLE STATE AND TRIBAL LAWS IN AN AREA NOT SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION

The Federal agency plan must have a provision that affirms Federal agency certified applicators will comply with all applicable State and Tribal pesticide laws and regulations of the jurisdiction in which the restricted pesticide is being used when using RUPs in areas that are not subject to exclusive federal jurisdiction, including any substantive State or Tribal standards in regard to qualifications for commercial applicator certification that exceed the Federal agency's standards.

(2) PROVISIONS TO NOTIFY EPA, STATES, AND TRIBES OF A MISUSE OR SUSPECTED MISUSE BY A FEDERAL AGENCY EMPLOYEE IN AN AREA NOT SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION

The Federal agency plan must have a provision for the Federal agency to notify the appropriate EPA Regional office and State or Tribal pesticide authority in the event of misuse or suspected misuse of a restricted use pesticide by a Federal agency employee and any pesticide exposure incident involving human or environmental harm that may have been caused by an application of a RUP

made by a Federal agency employee in an area not subject to exclusive federal jurisdiction.

(3) PROVISIONS TO COOPERATE WITH EPA, STATES, AND TRIBES IN INVESTIGATIONS AND ENFORCEMENT ACTIONS IN CONNECTION WITH A FEDERAL AGENCY EMPLOYEE’S APPLICATION

The Federal agency plan must have a provision for the Federal agency to cooperate with the Agency and the State or Tribal pesticide authority in any investigation or enforcement action undertaken in connection with an application of a RUP made by a Federal agency employee in an area not subject to exclusive federal jurisdiction.

SECTION 3. FEDERAL AGENCY APPLICATOR CERTIFICATION CATEGORIES. [§171.305(a)(3), 171.305(b)(1), 171.305(b)(2)]

Federal agencies must provide a list of their applicator certification category and subcategory names and descriptions. Federal agencies must provide the required documentation as outlined below adopting either option one or option two.

OPTION 1: FEDERAL AGENCY ADOPTS EPA’S COMMERCIAL APPLICATOR CATEGORIES AND STANDARDS [§ 171.305(b)(2)(i)].

If the Federal agency had adopted the commercial applicator categories and standards outright with no changes, the Federal agency must include a statement that the Federal agency has adopted the same EPA standards for commercial applicator certification prescribed at § §171.101 and 171.103.

Agency Affirmation Statement: [INSERT HERE]

Commercial Applicator Categories Adopted by the Federal Agency for Certification of Federal Agency Applicators: [Add rows if needed]

NOTE: If the agency had adopted *all* EPA categories, it may include in a statement it has adopted all EPA categories without listing them. Otherwise, if the agency has adopted only a subset of the EPA categories, then the agency must list the EPA categories adopted in the table below:

EPA CATEGORIES ADOPTED	ADOPTED EPA STANDARDS (Y/N)

OR

OPTION 2: FEDERAL AGENCY ADOPTS ITS OWN APPLICATOR CATEGORIES AND STANDARDS [171.305(b)(2)(ii)].

If the Federal agency has adopted its own categories and standards, then the Federal agency must provide a statement that the agency has adopted its own standards (that

meet or exceed commercial applicator standards at § 171.101 and 171.103) and provide all of the following:

- A list and detailed description of all the *categories* and *subcategories* to be used for certification of Federal agency applicators in the table below, along with an indication of the closest comparable commercial applicator category in 171.101.
- A list and detailed description of all the *standards* for certification of Federal agency applicators adopted by the Federal agency. Any additional categories or subcategories established by a Federal agency must be included in the application for Agency approval of a Federal agency plan and must clearly describe the standards the Federal agency will use to determine if the applicator has the necessary competency.

Federal Agency Affirmation Statement: [INSERT HERE]

Federal Agency Applicator Categories/Subcategories: [Add rows if needed]

FEDERAL AGENCY CATEGORY/ SUBCATEGORY NAME	FEDERAL AGENCY CATEGORY/ SUBCATEGORY DESCRIPTION	CLOSEST COMPARABLE EPA FEDERAL CATEGORY

SECTION 4. LIMITED USE CERTIFICATION CATEGORIES [IF APPLICABLE]. [171.305(a)(5)(i) through (ii)]:

A Federal agency may adopt a limited use category or categories for Federal agency applicators. A limited use category covers a small number of applicators engaged in a use that does not clearly fit within any of the commercial categories described in §171.101 and allows only the use of a limited set of restricted use pesticides by specific application methods. If adopting limited use categories, a Federal agency must provide a list of all limited use categories the agency has adopted for certification of Federal agency applicators and the standards of competency for any such categories. For each limited use category, the agency must provide all of the following in this section:

- (a) A definition of the limited use category, specifying:
 - a. the restricted use pesticide(s),
 - b. use sites, and
 - c. specific application methods permitted.
- (b) An explanation of why it is not practical to include the limited use category in any of the categories in prescribed in § 171.101.

For this section, the Federal agency should provide any limited use category names it intends to use, a description/definition of the limited use category, and provide an explanation or rationale for why it is not practical to include the category in any of the categories prescribed in 171.101.

FEDERAL AGENCY LIMITED USE CATEGORY NAME	FEDERAL AGENCY LIMITED USE CATEGORY DESCRIPTION/ DEFINITION	EXPLANATION/ RATIONALE FOR LIMITED USE CATEGORY

SECTION 5. STANDARDS FOR CERTIFICATION OF FEDERAL AGENCY APPLICATORS.

[\$171.305(a)(4), 171.305(a)(5)(iii) through (v), 171.305(a)(6), 171.305(b)(2)(i), 171.305(b)(2)(ii)(B) and (C)]

Federal agencies must provide documentation of their Federal agency applicator certification standards meeting or exceeding the commercial applicator certification standards prescribed by EPA under §§171.101 and 171.103. Federal agencies must provide the required documentation as outlined below adopting either option one or option two.

OPTION 1: FEDERAL AGENCY ADOPTS EPA'S FEDERAL STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS [171.305(a)(4), 171.305(b)(2)(i)]. If the Federal agency has adopted all the Federal commercial applicator certification standards outright with no changes, the Federal agency must include a statement that the agency has adopted the EPA standards for commercial applicator certification at § 171.101 and 171.103.

Federal Agency Affirmation Statement: [INSERT HERE]

OR

OPTION 2: FEDERAL AGENCY ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF APPLICATORS [171.305(a)(4), 171.305(a)(5)(iii) through (v), 171.305(a)(6), 171.305(b)(2)(ii)(B) and (C)]. If the Federal agency has adopted its own standards for Federal agency applicator certification, then the Federal agency must provide a statement that the agency has adopted its own standards that meet or exceed EPA standards for commercial applicators at § 171.101 and 171.103 and provide all of the following:

(a) CORE STANDARDS OF COMPETENCY. [§171.305(a)(4), 171.305(b)(2)(ii)(B), 171.101, 171.103] Documentation that the Federal agency has adopted core standards of competency that meet or exceed EPA standards at § 171.101 and 171.103.

(b) EXAMINATION STANDARDS. [§171.305(a)(6), 171.305(b)(2)(ii)(C)] A detailed description of the Federal agency's certification examination standards for Federal agency applicators and an explanation and documentation of how they meet/exceed EPA exam administration standards at §171.103(a)(2) (and listed in Appendix A), including a description of any alternative identification that the Federal agency will authorize for

qualification for certification in addition to a valid, government-issued photo identification.

(c) STANDARDS FOR LIMITED USE CATEGORY CERTIFICATION, IF APPLICABLE.

[\$171.305(a)(5)(iii) through (v)] Federal agencies must provide all the following documentation if they have established any limited use category certifications:

- Documentation that the agency has adopted core standards of competency that meet or exceed federal standards at § 171.101 and 171.103 and a requirement that candidates for certification in a limited use category pass the written examination covering the core standards at § 171.103(c) *and* demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of restricted use pesticide(s) covered by the limited use category. Agencies must provide a detailed description of the core standards of competency if they are different than those used for all other commercial applicator categories.
- A detailed description of the specific competency standards for any limited use category
- A detailed description of the process by which applicators must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of the restricted use pesticides authorized under the limited use category based on the competency standards identified in Section 5 of the plan. [NOTE: This does not have to be accomplished by a written examination.]

(e) EXCEPTIONS, IF APPLICABLE. [\$171.103(e)] Agencies must provide a detailed description and documentation of any exceptions to the agency certification requirements for commercial applicators (e.g., persons conducting laboratory research involving restricted use pesticides and/or Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of the ordinary practice of those professions).

Agency Affirmation Statement: [INSERT HERE]

SECTION 6. RECERTIFICATION STANDARDS. [171.305(a)(5)(vi), 171.305(a)(7), 171.305(b)(3)]:

Agencies must provide documentation that the agency standards for the recertification of applicators of restricted use pesticides meet or exceed those standards prescribed by the Agency under § 171.107 (and listed in Appendix B). Such documentation must include a statement that the agency has adopted its own standards that meet or exceed the standards for recertification prescribed by the Agency under § 171.107, and include all of the following:

- A list and detailed description of all the standards for recertification adopted by the Federal agency
- The certification period, which may not exceed five years.

- If recertification is based upon written examination, a description of the Federal agency's process for reviewing, and updating as necessary, the written examination(s) and to ensure that the written examination(s) evaluate whether an applicator demonstrates the level of competency required by § 171.103 for commercial applicators.
- If recertification is based upon continuing education, an explanation of how the quantity, content, and quality of the Federal agency's continuing education program ensure that a Federal applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators, including but not limited to, all of the following:
 - (A) The quantity of continuing education required to maintain certification.
 - (B) The content that is covered by the continuing education program and how the Federal agency ensures the relevant content is covered.
 - (C) The process the Federal agency uses to approve continuing education training courses or events, including information about how the Federal agency ensures that any continuing education courses or events verify the commercial applicator's successful completion of the course or event.
 - (D) How the Federal agency ensures the ongoing quality of the continuing education program.
- If the Federal agency has adopted use of limited use category certifications, then the Federal agency must provide a detailed description of the recertification standards for the limited use category and how those standards meet or exceed the standards prescribed by the Agency under § 171.107.

Federal Agency Affirmation Statement: [INSERT HERE]

SECTION 7. STANDARDS FOR THE DIRECT SUPERVISION OF NONCERTIFIED APPLICATORS. [171.305(a)(8), 171.305(b)(4)]:

The application for Agency approval of a Federal agency certification plan must contain satisfactory documentation that the Federal agency standards for direct supervision of noncertified applicators by Federal applicators meet or exceed those standards prescribed by the Agency under § 171.201 (and provided in Appendix C) for commercial applicators. Such documentation may include one or more of the following as applicable:

OPTION 1: FEDERAL AGENCY PROHIBITS APPLICATION BY NONCERTIFIED APPLICATORS. If the agency has adopted provisions prohibiting noncertified applicators from using restricted use pesticides under the direct supervision of certified Federal applicators, then the agency must provide a statement that the agency prohibits noncertified applicators from using restricted use pesticides under the direct supervision of certified applicators.

Agency Affirmation Statement: [INSERT HERE]

OR

OPTION 2: FEDERAL AGENCY ADOPTS EPA'S FEDERAL STANDARDS FOR DIRECT SUPERVISION. If the agency has adopted the standards for direct supervision of noncertified applicators by certified commercial applicators prescribed by EPA under § 171.201, then the agency must provide a statement that the agency has adopted the standards for direct supervision of noncertified applicators by certified applicators prescribed by the Agency under § 171.201.

Agency Affirmation Statement: [INSERT HERE]

OR

OPTION 3: FEDERAL AGENCY ADOPTS ITS OWN STANDARDS FOR DIRECT SUPERVISION. If the agency has adopted its own standards for direct supervision of noncertified applicators by certified applicators, then the agency must provide a statement that the agency has adopted its own standards that meet or exceed the standards at §171.201 (and listed in Appendix C), and a detailed explanation of how the agency's standards for direct supervision meet or exceed the standards prescribed by the EPA under § 171.201, including all the following:

- Requirements for the certified applicator and supervisor responsibilities
- Requirements of the noncertified applicator under supervision, including documenting requirements for a minimum age requirement of 18 for noncertified applicators
- Noncertified applicator qualifications
- Noncertified applicator training program(s)
- Recordkeeping requirements for noncertified applicator training
- Exceptions, if any (e.g., Doctors of Medicine and Doctors of Veterinary Medicine)

Agency Affirmation Statement/Explanation: [INSERT HERE]

SECTION 8. CREDENTIALS. [171.305(a)(5)(vii), 171.305(a)(9)]:

Federal agencies must provide a description below of the credentials or documents the agency will issue to each certified applicator verifying certification.

If applicable, agencies must also describe below the limited use certification credential. The limited use credential must clearly state that the applicator is only authorized to purchase and use the specific restricted use pesticide(s) identified in that credential.

The Federal agency should include example copies of the certification credentials with the plan, labeled as "Attachment 8."

SECTION 9. RECIPROCITY. [171.305(a)(10)]:

A Federal agency may waive any or all of the procedures specified in § 171.103, § 171.105, and § 171.107 when certifying applicators in reliance on valid current certifications issued by another State, Tribal, or Federal agency under an EPA-approved certification plan. The

Federal agency certification plan must explain whether, and if so, under what circumstances, the Federal agency will certify applicators based in whole or in part on their holding a valid current certification issued by another State, Tribe, or Federal agency. Such certifications are subject to all of the conditions listed at § 171.303(a)(9), as follows:

- A Federal agency may rely only on valid current certifications that are issued under an approved State, Tribal, or Federal agency certification plan.
- The Federal agency has examined the standards of competency used by the State, Tribe, or Federal agency that originally certified the applicator and has determined that, for each category of certification that will be accepted, they are comparable to its own standards.
- Any Federal agency that chooses to certify applicators based, in whole or in part, on the applicator having been certified by another State, Tribe, or Federal agency, must include in its plan a mechanism that allows the agency to terminate an applicator's certification upon notification that the applicator's original certification terminates because the certificate holder has been convicted under section 14(b) of FIFRA or has been subject to a final order imposing a civil penalty under section 14(a) of FIFRA.
- The Federal agency issuing a certification based in whole or in part on the applicator holding a valid current certification issued by another State, Tribe, or Federal agency must issue an appropriate Federal agency credential or document to the applicator.

If additional room is needed to provide the explanation or documentation, it should be included with the plan and labeled as "Attachment 9."

SECTION 10. REPORTS TO EPA. [171.305(c) and (d)]

The application for EPA approval of a Federal agency certification plan must include a commitment by the Federal agency to submit an annual report to EPA in a manner that the EPA requires that includes all of the following information:

- The numbers of new, recertified, and total commercial applicators certified in at least one certification category at the end of the last 12 month reporting period.
- For each commercial applicator certification category specified in § 171.101 or subcategory specified in the Federal agency certification plan, the numbers of new, recertified and total commercial applicators holding a valid certification in each of those categories at the end of the last 12 month reporting period.
- A description of any modifications made to the approved certification plan during the last 12 month reporting period that have not been previously evaluated under § 171.309(a)(3).
- A description of any proposed changes to the certification plan that may affect the certification program that the Federal agency anticipates making during the next reporting period.

- A summary of enforcement activities related to use of restricted use pesticides by applicators certified by the Federal agency during the last 12 month reporting period.

Additionally, the application for Agency approval of a Federal agency certification plan must include a commitment by the Federal agency to submit any other reports reasonably required by the EPA in its oversight of the use of restricted use pesticides.

Federal Agency Affirmation Statement: [INSERT HERE]

APPENDIX A
Examination standards at §171.103(a)(2)

Requirements of the certifying authority:

- All examinations will be presented and answered in writing.
- All persons serving as proctors will be prohibited from taking an examination for which they are proctoring if they are also seeking pesticide applicator certification.
- All persons seeking certification will be required to present at the time of examination a valid, government-issued photo identification and/or the following types of identification as proof of identity and age: (fill in _____)
- All proctors and certification authority personnel will be required to keep exams secure before, during and after the exam period so candidates have access to the exam only in the presence of a proctor.
- Prohibit the use of reference materials not approved by this certifying authority.
- Notify all candidates of his or her examination results.

Requirements for proctors:

- Give instructions on examination procedures to candidates before beginning examinations.
- Monitor examination candidates throughout examination periods.
- Prohibit any verbal or nonverbal communication between candidates and anyone other than the proctor during the examination period.
- Prohibit examination or reference materials from being copied or retained by any person not authorized by this certifying authority.
- Provide and collect certifying authority-approved reference materials for use during the examination.
- Examine reference materials after the examination is complete for portions that may have been removed, altered or destroyed.
- Report to the certifying authority any inconsistencies or irregularities such as cheating, use of unauthorized materials, and attempts to copy or retain materials.
- Conduct examination sessions in accordance with the following exam administration requirements required by this certifying authority: (Fill in _____).

APPENDIX B
Recertification standards at §171.107

(a) Maintenance of continued competency.

- Each commercial and private applicator must recertify every five years or less from the date of certification.
- The recertification period for commercial applicators is:
- The recertification period for private applicators is:

(b) Process for recertification.

(1) By written examination.

- A certified applicator may be found eligible for recertification upon passing a written examination designed to evaluate the level of competency that conforms to the examination standards in §171.103(a)(2).
- Examinations must be designed to evaluate whether commercial applicators demonstrate the level of competency required by §171.103.
- Examinations must be designed to evaluate whether private applicators demonstrate the level of competency required by §171.105.

(2) By continuing education programs.

- A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's EPA-approved certification plan.
 - The quantity, content, and quality of a continuing education program to maintain applicator certification must be sufficient to ensure the applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.
 - (ii) Any continuing education course or event relied upon for applicator recertification must be approved by the certifying authority as being suitable for its purpose in the certifying authority's recertification process.
 - (iii) A certifying authority must ensure that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.

APPENDIX C**Standards for the Direct Supervision of Noncertified Applicators at §171.201****(b) General requirements.****(1) Requirements for the certified applicator.**

- (i) The certified applicator must have a practical knowledge of applicable Federal, State and Tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of restricted use pesticides by noncertified applicators.
- (ii) The certified applicator must be certified in each category applicable to the supervised pesticide use.

(2) Requirements for the noncertified applicator. The certified applicator must ensure that each noncertified applicator using a restricted use pesticide under his or her direct supervision meets all of the following requirements before using a restricted use pesticide:

- (i) The noncertified applicator has satisfied the qualification requirements under paragraph (c) of this section.
- (ii) The noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides.
- (iii) The noncertified applicator has met the minimum age required to use restricted use pesticides under the supervision of a certified applicator.
 - A noncertified applicator must be at least 18 years old, except that a noncertified applicator must be at least 16 years old if all of the following requirements are met:
 - (A) The noncertified applicator is using the restricted use pesticide under the direct supervision of a private applicator who is an immediate family member.
 - (B) The restricted use pesticide is not a fumigant, sodium cyanide, or sodium fluoroacetate.
 - (C) The noncertified applicator is not applying the restricted use pesticide aerially.

(3) Use-specific conditions that must be met in order for a noncertified applicator to use a restricted use pesticide. The certified applicator must ensure that all of the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under his or her direct supervision:

- (i) The certified applicator must ensure that the noncertified applicator has access to the applicable product labeling at all times during its use.
- (ii) Where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the certified applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose.
- (iii) The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand.
- (iv) The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment.
- (v) The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under his or her direct supervision.
- (vi) The certified applicator must be physically present at the site of the use being supervised when required by the product labeling.
- (vii) If the certified applicator is a commercial applicator, the certified applicator must create or verify the existence of the records required by paragraph (e) of this section.

(c) Noncertified applicator qualifications. Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the noncertified applicator has met at least one of the following qualifications:

- (1) The noncertified applicator has been trained in accordance with paragraph (d) [the “noncertified applicator training program” explained below] of this section within the last 12 months.
- (2) The noncertified applicator has met the training requirements for an agricultural handler under (Worker Protection Standard -WPS regulations) 40 CFR 170.501 of this title within the last 12 months.
- (3) The noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in §171.201(c)(1) [The “noncertified applicator training program” explained below in (d)].
- (4) The noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(d) Noncertified applicator training program.

(1) General noncertified applicator training must be presented to noncertified applicators either orally from written materials or audiovisually. The information must be presented in a manner that the noncertified applicators can understand, such as through a translator. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators’ questions.

(2) The person who conducts the training must meet one of the following criteria:

- (i) Be currently certified as an applicator of restricted use pesticides under this part.
- (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a State, Tribal, or Federal agency having jurisdiction.
- (iii) Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under (WPS) 40 CFR part 170.

(3) Content of noncertified applicator training materials.

(e) Recordkeeping.

(1) Commercial applicators must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in paragraph (c) Training for noncertified applicators or WPS handler training within last 12 months, requirements of certifying authority, or certified applicator of this section. For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in paragraphs (e)(1)(i) through (e)(1)(iv).

(i) If the noncertified applicator was trained in accordance with paragraph (c)(1) of this section, the record must contain the following information:

- (A) The noncertified applicator’s printed name and signature.
- (B) Date training requirement was met.
- (C) The name of the trainer.
- (D) The title or a description of the training provided.

(ii) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501 in accordance with paragraph (c)(2) of this section, the record must contain all of the information required at 40 CFR 170.501(d)(1).

(iii) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, the record must contain the information required by the certifying authority.

(iv) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted or not certified in the jurisdiction where the use will take place, as described in paragraph (c)(4) of this section, the record must include all of the following information:

- (A) The noncertified applicator’s name.
- (B) The noncertified applicator’s certification number.
- (C) The expiration date of the noncertified applicator’s certification.
- (D) The certifying authority that issued the certification.

(2) The commercial applicator supervisor must create or verify the existence of the record containing the information in paragraph (e)(1) [method of qualification, etc.] of this section before allowing the noncertified applicator to use restricted use pesticides under his or her direct supervision.

(3) The commercial applicator supervisor must have access to records documenting the information required in paragraph (e)(1) of this section at the commercial applicator's principal place of business for two years from the date the noncertified applicator used the restricted use pesticide.

(f) Exceptions. The requirements in §171.201 do not apply to the following persons:

(1) Persons conducting laboratory research involving restricted use pesticides.

(2) Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of ordinary practice of those professions.