

Subject: US EPA Federal Certification for Pesticide Applicators in Indian Country

This friendly reminder is being sent on behalf of the US EPA to ensure that tribal staff and others applying “restricted-use pesticides” in Indian country are Federally-certified by the US EPA. If you suspect or are aware of applicators who are not properly certified, please notify:

- David Star, Chief, Pesticides and Toxics Compliance Section at (312) 886-6009, star.david@epa.gov and
- Cc: Estrella Calvo, Chief, Pesticides Section at (312) 353-8931, calvo.estrella@epa.gov.

Federal Certification for Pesticide Applicators in Indian Country

Does someone on your staff apply pesticides, or do you hire companies to manage pests within your reservation or other Indian lands? Anyone using restricted-use pesticides, or RUPs, in Indian country must have a federal certification from the U.S. Environmental Protection Agency or operate under the direct supervision of a federally certified applicator.

Pesticides might be used in a variety of settings: agriculture, greenhouses, forests, aquatics, rights-of-way, schools, homes, lawns and gardens, swimming pools, hotels, casinos, golf courses, recreation centers, office buildings, health care settings, restaurants, and more. Many pesticides are for general use – you can use them in Indian country without special training or certification. However, you must have special training and use certain techniques to apply RUPs safely. Federal law requires certification for anyone purchasing or applying RUPs. Check the product label to find out if a pesticide is restricted use. To learn more about RUPs, visit <https://www.epa.gov/pesticide-worker-safety/restricted-use-products-rup-report>.

Ask pesticide applicators if they are using RUPs, and make sure they hold the proper federal certification. If tribal authority prohibits or limits pesticide use, tell the applicators about relevant restrictions.

Federal certification is free, but applicators must fill out and mail a one-page application form to EPA along with proof of competence. To demonstrate competence, commercial applicators¹ must submit a copy of their valid state certification. Private applicators² have two options: submit a copy of their valid state certification or submit proof that they completed required EPA training. State certifications³ must be issued by a state adjoining the area of Indian country where the pesticides are applied. The federal certificate allows the holder to use RUPs legally in certain areas of Indian country, and is not valid outside of Indian country.

State certifications are not valid in Indian country unless a state and tribe have a specific cooperative agreement. EPA’s federal plan was developed to allow use of RUPs in Indian country where no legal mechanism exists. The plan became effective in February 2014 and applies to all of Indian country, except several areas covered under other EPA-approved

certification plans. In the Great Lakes states – EPA’s Region 5 – only the White Earth Band of Chippewa Indians has an approved alternative plan that accepts state certification. Therefore, RUP applicators on the White Earth Reservation do not need to be federally certified, as they must be in other areas of Indian country.

Visit EPA’s website to learn more, download the application form and instructions, or register for training: <https://www.epa.gov/pesticide-applicator-certification-indian-country>. If you have questions or need a hard copy of the application form, contact Shem-Mong Chou, (312) 886-2842, chou.shem@epa.gov; or Amy Mysz, (312) 886-0224, mysz.amy@epa.gov.

¹ *Commercial applicators* are those who use, or supervises the use of, pesticides for any purpose or on any property other than as provided by the definition of “private applicator.”

² *Private applicators* are those who use a pesticide for purposes of producing any 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.

³For information about obtaining state pesticide applicator certification to meet competency requirements, see

In Minnesota: <http://www.mda.state.mn.us/licensing/licensetypes/pesticideapplicator.aspx>

In Wisconsin:

https://datcp.wi.gov/Pages/Programs_Services/PesticidesFertilizersCertificationLicensing.aspx

In Michigan: http://www.michigan.gov/mdard/0,4610,7-125-1569_16988_35289---,00.html

Sincerely,

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