



Summary of Changes for NY Applicators and Pesticide Businesses if Proposed Federal Regulations are Adopted as Written

Revised 11-16-15

New Application Method Specific Categories for Soil and Non-soil Fumigation, Aerial

- Need to create separate private soil and non-soil fumigation categories
 - May require additional training manuals for these categories
- 7B – commodity fumigation would be required to hold concurrent certification
 - All aerial applicators would need to have concurrent certification

Change to Closed Book Initial and Recertification Exams

- Require shifting to closed-book category exams.
- Require different approach to writing training manuals.

Must Provide Identification for Certification and Recertification Programs and Exams

- Requires each person seeking certification or recertification to provide government-issued photo identification.
- Any continuing education program (including online and distance education) must have a process to positively identify the applicator's identity. This would require checking photo identification.

New Direct Supervision of Noncertified Applicator Requirements

- Annual training on:
 - Labels
 - Routes of entry
 - Signs/symptoms of pesticide poisoning
 - First aid for poisoning
 - Obtaining emergency medical care
 - Decontamination procedures (routine and emergency)
 - Heat-related illness related to PPE use
 - Safe handling, transporting, storing, and disposing of pesticides
 - Environmental concerns (examples: drift, runoff, and wildlife)
 - Warnings on taking pesticides or pesticide containers home
 - Washing and changing work clothes
 - How to report suspected pesticide illness
- Supervising certified applicator must:
 - Provide noncertified applicator a copy of the pesticide label. (Noncertified applicator must have label with them during the application.)
- Ensure means of immediate communication with noncertified applicator are available.
- Explain the label to noncertified applicator.
- Ensure that noncertified applicator has been instructed in safe operation of equipment within past 12 months.
- Ensure before each day of use, equipment is inspected for leaks, clogging and damaged parts and repair or replace damaged equipment before use.

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New Minimum-age Requirements

- Minimum age to become a certified private or commercial applicator would be 18.
- Minimum age to become noncertified applicator working under direct supervision would be 18.

New Certification Period and Standards for Recertification

- Private applicators would:
 - Be on a 3 year certification cycle.
 - Need to earn at least 6 credits in the new 3 year cycle.
 - Need to earn 3 credits in each application-specific category certified in.
- Commercial applicators would:
 - Need to earn 6 core credits every 3 years.
 - Need to earn 6 credits in each pest control and application method-specific category every 3 years.
- Both groups would have to earn half the credits within the 18 months prior to certification expiring.

New Recordkeeping Requirements

- Commercial applicator recordkeeping would expand to include:
 - Name and address for whom application was made.
 - Size of area treated.
 - Crop, commodity, stored product, or site to which pesticide was applied.
 - Time of application.
 - Name and certification number of certified applicator making or supervising the application and, if applicable, the name of the noncertified applicators making the application under their supervision.
 - Record of noncertified applicator training.
- Retailer/dealer recordkeeping would expand to include:
 - Name and address of who picked up or purchased an RUP.
 - Capturing the applicator’s certification number, who issued it, the expiration date, and the categories certified in.

Revised/New Definitions

- Expand definition of “fumigant” beyond what’s currently in state regulations to add vapor state to how pesticidal action is achieved.
- Expand definition of “use” beyond what’s currently in state regulations to include:
 - Arranging for the application of the pesticide.
 - Making necessary preparations for the application of the pesticide, including, but not limited to, responsibilities related to providing training, a copy of a label and use- specific instructions to noncertified applicators, and complying with any applicable requirements under 40 CFR part 170 (Worker Protection Standard)