

**Department of Energy/Bonneville Power Administration
Federal Agency Certification Plan for Applicators of Restricted Use Pesticides
November 15, 2021**

INTRODUCTION

The Bonneville Power Administration (BPA), Department of Energy (DOE), operates and maintains a regional electrical system covering five States (Oregon, Washington, Idaho, Montana, and Wyoming) in the Pacific Northwest. As routine maintenance activities, BPA manages vegetation on rights-of-way (ROW) and at electrical substations to protect the reliability of the electrical system, provide safe and efficient work areas, and protect and enhance the environment. These activities include application of herbicides to manage undesirable plant species. When restricted use pesticides are used, applicators will be certified in the ROW certification category.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (PL 92-516) (7 U.S.C. 136B) directs the Administrator of the United States Environmental Protection Agency, (EPA) to classify the various uses of pesticides as either “General Use” or “Restricted Use.” “Restricted Use” pesticides may only be applied by “certified” applicators, or those working under the direct supervision of a certified applicator. Accordingly, the Administrator of EPA is directed to establish standards for the certification of applicators of Restricted Use Pesticides (RUPs) and is authorized to approve State and/or Federal Certification Plans, (FIFRA, Section 11), (Federal Agency Certification of Federal Employees to Apply Restricted Use Pesticides, 40 CFR 171.305; FR 82 (2): 1028 – 1050, January 4, 2017).

Only users of RUPs are required to be certified under FIFRA. BPA certifies federal employees to use RUPs. However, per Executive Order 12088, Federal agencies are expected to comply with State and local requirements, which may be more stringent than Federal requirements. Additionally, Federal agencies are required by EPA to comply with all State and Tribal Restricted Use Pesticide laws and regulations in areas not subject to exclusive Federal jurisdiction, 40 CFR 171.305; (FR 82(2): 1045 - 1050; January 4, 2017. Therefore, BPA certifies BPA-federal employee applicators (“BPA applicators”) to use RUPs (and non-RUPs) and to supervise non-certified BPA full-time employee (BFTE) and contract full-time employee (CFTE) applicators using pesticides in areas outside of BPA fee-owned land (“BPA property”).

This document has been prepared by BPA in support of an application to the EPA for approval of a Federal Certification Plan, to certify Federal employees of BPA who apply RUPs. BPA certification will only be granted to BPA (Federal) employees and will only be valid in the performance of official duties on and off BPA property. BPA does not permit anyone other than BPA applicators to use RUPs and to supervise non-certified BFTE and CFTE applicators using non-RUPs off BPA property.

SECTION 1. CERTIFICATION PLAN ADMINISTRATION.

Agency Name/Office/Division/Branch	Department of Energy, Bonneville Power Administration, Office of Pollution Prevention and Abatement (PP&A)
Primary Contact Name and Title <i>(i.e., the person responsible for plan administration, maintenance, and reporting to EPA)</i>	Joseph C. Sharpe, Manager, Pollution Prevention and Abatement
Primary Contact Email	jcsharp@bpa.gov
Primary Contact Phone Number	503-230-3654 work
Primary Contact Mailing Address	PO Box 3621 – EP-4, Portland, OR 97208

SECTION 2. ADMINISTRATIVE CONTROLS.

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

BPA applicators are authorized to use RUPs only in the performance of official BPA duties to manage vegetation on transmission line rights-of-way, along access roads, and in electric and non-electric facilities, located on and off BPA property.

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

Misuse of a pesticide or falsification of records will result in both: (1) denial, suspension, or revocation of certification as appropriate; and (2) additional administrative disciplinary actions. Disciplinary action shall be in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act and 40 CFR Part 171. Disciplinary action will be the responsibility of the employee's supervisor, who will in turn request that the Manager of Pollution Prevention & Abatement deny, suspend, or revoke certification.

Misuse of a pesticide for the intent and purpose of this Plan shall consist of any of the following:

- Use of a pesticide not in accordance with labeling, except as allowed by Section 2(ee) of FIFRA.
- Use of any pesticide which is under an experimental use permit contrary to the provisions of such permit.
- Use of a pesticide not in accordance with substantive State standards.
- Use of a pesticide not in accordance with all BPA Transmission Line Maintenance Standards, or Environmental Standards and Procedures (ESPs).

Falsification of records for the intent and purpose of this plan shall consist of failure to maintain, or falsification of any part of, those records required by paragraph (A2) below.

Instances of a pesticide misuse or falsification of records by BPA applicators, or service contractor applicators will be reviewed under the provisions above. As appropriate, the BPA/PP&A manager will administratively deny, suspend, or revoke service contract and/or BPA applicator privileges to use pesticides at BPA facilities. Since BPA cannot deny, suspend, or revoke a State, Tribal, EPA or other Federal Agency issued certificate, except for use on BPA facilities, BPA/PP&A will report the incident, accompanied with a report of its internal actions and findings, to the appropriate State, Tribal or Federal Agency "certifying authority". BPA/PP&A will cooperate with certifying authorities and the EPA Regional office on any subsequent actions undertaken.

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

BPA will require all BPA applicators to keep routine operational records of pesticide use including kinds, amounts, uses, dates, and places of application for restricted use pesticides and non-restricted use pesticides. Records must be retained for at least seven years in the appropriate BPA District Office. Such records will be available to appropriate EPA or State officials for review upon request.

These records must include:

- Name and address of person for whom it was applied (Substation Chief Operator, TLM Foreman, etc.).
- Application Information –
 - Location (Substation Name, Facility Name, ROW Name, Structure, Span(s)),
 - Size of area treated,
 - Vegetation type(s) to which the Pesticide was applied (Grasses, broadleaf plants, trees, bare ground) and
 - Time and date of application.
- Pesticide Information –
 - Brand or product name,
 - EPA registration number, and
 - Total amount applied per location per application
- Certified applicator information –
 - Name and certification number

BPA will provide for entry for appropriate Federal and State pesticide enforcement and certification authorities to BPA offices, facilities, all lands owned or leased, or rights-of-way controlled or under the jurisdiction of BPA during normal working hours, or at other times, if given advance notification, in order to:

- review a BPA and/or contract applicator's vegetation management methods and activities;
- observe the use and application of pesticides;
- inspect and/or sample any pesticide, record, device, container, product, apparatus, or equipment used in pesticide use management programs; and
- inspect and/or sample any pesticide treated areas, ROW, or lands where pesticides have been used, applied, or disposed.

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

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

In areas not subject to exclusive federal jurisdiction, BPA will cooperate with individual States and Tribes by complying with applicable State and Tribal laws by adhering to substantive standards which exceed or are additional to those established in this plan in compliance with Executive Order 12088.

In accordance with guidelines as may be issued by the EPA Administrator, in areas not subject to exclusive federal jurisdiction, BPA shall comply with more stringent State and Tribal laws and with Federal regulations and guidelines which affect pesticide use.

BPA/PP&A will continue to communicate with States and/or Tribes to verify if State and/or Tribal law is more stringent than, or has standards in addition to, the standards established in this plan. BPA/PP&A will request that EPA liaise and mediate between affected parties in cases of disagreement between BPA and a State and/or a Tribe.

(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 BPA/PP&A manager will notify the appropriate office of the EPA Region, and appropriate States, and Tribal authorities of any misuse, or suspected misuse, of restricted use pesticides and any pesticide exposure incident involving human or environmental harm that may have been caused by application of a RUP by a BPA 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

BPA/PP&A will cooperate with EPA, and appropriate States and Tribes on any investigation and enforcement action in connection with the use of RUPs by a BPA 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)]

BPA certifies federal employees ("BPA applicators") to use and/or supervise the use of RUPs (and non-RUPs) on and off BPA property. BPA employees requiring certification will be identified by Transmission Field Services Management and District Supervisors to the Manager of Pollution Prevention and Abatement.

For the intent and purpose of this Plan, the term "supervise" shall mean direct supervision as defined in FIFRA Section 2(e)(4)*. BPA further requires the physical presence of a supervisor (BPA or State or Tribal-certified applicator) within the line

of sight or hearing distance of the non-certified BFTE or CFTE applicator during use or application. RUPs may be used by certified applicators only. Use of non-RUPs shall be supervised when required by a State or Tribal authority.

BPA requires all service contract applicators who use pesticides on BPA’s behalf to be certified by the appropriate State or Tribal authority.

*FIFRA Section 2(e)(4) UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR – Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

Federal Agency Affirmation Statement: BPA is adopting its own right-of-way pest control category description, but adopting the federal right-of-way category standards of competency at § 171.103(d)(6))

BPA Rights-of-Way (ROW) Pest Control Category description: applicators who use RUPs, use non-RUPs, or supervise the use of non-RUPs in the maintenance of transmission line ROWs, access roads, electrical substations, maintenance facilities, communication sites, and similar areas.

§ 171.103(d)(6) Right-of-way pest control category standards of competency: Applicators must demonstrate practical knowledge of the types of environments (terrestrial and aquatic) traversed by rights-of-way, recognition of target pests, and techniques to minimize non-target exposure, runoff, drift, and excessive foliage destruction. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants and pests to be controlled, and for persistence beyond the intended period of pest control.

Commercial Applicator Categories Adopted by the Federal Agency for Certification of Federal Agency Applicators:

EPA CATEGORIES ADOPTED	ADOPTED EPA STANDARDS (Y/N)
§ 171.101(f) Right-of-Way Pest Control	Yes

SECTION 4. LIMITED USE CERTIFICATION CATEGORIES [IF APPLICABLE]. [§171.305(a)(5)(i) through (ii)]: Not used.

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)]

BPA ADOPTS EPA’S FEDERAL STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS [§§ 171.305(a)(4), 171.305(b)(2)(i)].

BPA is adopting EPA's federal standards for the certification of commercial applicators at 40 CFR 171.101 and 171.103. This includes use of the federal commercial core standards of competency at §171.103(c) (Appendix C) and right-of-way pest control category specific standards of competency at §171.103(d)(6) in training and examinations, minimum age requirement of 18 years old at §171.103(a)(1), and the federal examination standards (Appendix A) at 40 CFR 171.103(a)(2). Only badged Federal employees are eligible for BPA-applicator certification.

Prior to the examination, a thorough one-day training course of core standards §171.103(c) (Appendix C); specific standards for the Right-of-Way Pest category §171.103(d)(6) and applicable State and Tribal laws will be conducted by a qualified trainer. The trainer will be selected by the Office of Pollution Prevention and Abatement and may be a qualified BPA employee or a contracted qualified professional trainer. The trainer will encourage engagement by using techniques such as conducting informal polls, conducting hands-on demonstrations, utilizing informative and applicable audio/visual/written materials, discussing relevant case studies, discussing common themes among enforcement actions within the region, etc. The trainer will also serve as the proctor and conduct the examination according to §171.103(a)(2). BPA conducts the written exam immediately following training.

A trainee roster signed by each trainee, examination results, completed examinations, and completed course evaluations will be provided to PP&A following each training session. Individuals will be notified of their examination scores. Persons receiving passing scores will be certified. The Manager of PP&A will be responsible for the certification of BPA applicators. Certification will be valid for up to two years starting on the date that the examination was passed and expiring on December 31st of the second calendar year unless recertified. Certification will be valid at facilities and rights-of-way maintained by BPA, throughout the BPA service area.

Quality of applicator certification training would be reviewed yearly and updated (if necessary). Course evaluations and completed examinations would be reviewed and assessed by PP&A to strengthen training content delivery, provide feedback to contracted trainers, improve the clarity of written materials and examination questions, and identify specific topics that require more or less emphasis. Training content and materials, and examination questions would be updated in coordination between PP&A and BPA's contract trainer. Developments in federal, state, and tribal pesticide application regulations and pesticide and application technology, would also be tracked by PP&A and BPA's contract trainer, and incorporated into training content and materials as appropriate.

Federal Agency Affirmation Statement: BPA adopts the EPA federal standards for the certification of commercial applicators.

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

BPA is adopting EPA's federal standards for the recertification of commercial applicators at 40 CFR 171.107. The recertification period is up to two years. A

certification shall expire on December 31st of the second calendar year from date of issuance if a BPA applicator has not fulfilled the recertification requirements. Recertification will be offered to certified BPA employees by the Office of Pollution Prevention and Abatement every year. Each BPA-certified applicator must recertify, by successfully completing a half-day training and a written examination on both core and category right-of-way competency standards, applicable State and Tribal laws and updates relevant to the right of way category, administered to the standards described in 40 CFR 171.103(a)(2) (Appendix B). The Manager of Pollution Prevention and Abatement will be responsible for the recertification of BPA applicators. Only badged Federal employees who have been previously certified under BPA's Pesticide Applicator Certification Plan are eligible for BPA-applicator recertification.

Training would be conducted by a qualified trainer. The trainer will be selected by the Office of Pollution Prevention and Abatement and may be a qualified BPA employee or a contracted qualified professional trainer. The trainer will encourage engagement by using techniques such as conducting informal polls, conducting hands-on demonstrations, utilizing informative and applicable audio/visual/written materials, discussing relevant case studies, discussing common themes among enforcement actions within the region, etc. The trainer will also serve as the proctor and conduct the examination according to §171.103(a)(2). BPA conducts the written exam immediately following training.

A trainee roster signed by each trainee, examination results, completed examinations, and completed course evaluations will be provided to PP&A following each training session. Individuals will be notified of their examination scores. Persons receiving passing scores will be certified. The Manager of PP&A will be responsible for the recertification of BPA applicators. Recertification will be valid for up to two years starting on the date that the examination was passed and expiring on December 31st of the second calendar year unless recertified. Certification will be valid at facilities and rights-of-way maintained by BPA, throughout the BPA service area.

Quality of applicator recertification training would reviewed yearly, and updated (if necessary). Course evaluations and completed examinations would be reviewed and assessed by PP&A to strengthen training content delivery, provide feedback to contracted trainers, improve the clarity of written materials and examination questions, and identify specific topics that require more or less emphasis. Training content and materials, and examination questions would be updated in coordination between PP&A and BPA's contract trainer. Developments in federal, state, and tribal pesticide application regulations and pesticide and application technology, would also be tracked by PP&A and BPA's contract trainer, and incorporated into training content and materials as appropriate.

Federal Agency Affirmation Statement: BPA standards for recertification meet or exceed the federal standards at §171.107 and listed in Appendix B.

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

Federal Agency Affirmation Statement: Restricted Use Pesticides may only be used by BPA federal employee-certified applicators. BPA follows State and Tribal requirements for supervision when pesticides are used by BFTE and CFTE applicators off BPA property.

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

BPA will issue a pocket-sized, plasticized “license” or certificate, signed by the Manager of PP&A, as delegated by the Vice President for Transmission Field Services. The certificate will contain an identifying number, the name of the applicator, category of certification, date issued, and expiration date. (Appendix D).

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

BPA does not certify federal agency employees based in whole, or in part, on a person’s certification from another State, Tribe or other federal agency.

BPA personnel with pesticide application responsibilities which are not adequately addressed by this plan, or where economic or other criteria make it inefficient to use the proposed BPA Pesticide Applicator Certification Plan, shall comply instead with an EPA-Approved State Pesticide Applicator Certification Plan. Additionally, if an individual is hired as a BFTE, and has a valid certification in a State’s Right-of-Way Pest Control category, that individual may apply pesticides in a manner consistent with that certification. In both circumstances, a State certification will be valid only for pesticide application in the State in which certification is granted.

BPA will require that all service contractors who use pesticides on BPA’s behalf be certified by the appropriate State, or under the direct supervision of an applicator certified by the appropriate State.

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

BPA commits to reporting to EPA by a date determined by EPA:

- The numbers of new, recertified, and total commercial applicators BPA has 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 BPA 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 BPA’s EPA-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 BPA anticipates making during the next reporting period.
- A summary of enforcement activities related to use of restricted use pesticides by applicators certified by BPA during the last 12-month reporting period.

Additionally, BPA will commit to submitting any other reports reasonably required by the EPA in its oversight of the use of restricted use pesticides.

Federal Agency Affirmation Statement: BPA commits to reporting to EPA as required by 171.305(c) and (d).

SECTION 11. BPA IMPLEMENTATION of the EPA-APPROVED MODIFIED CERTIFICATION PLAN

Upon EPA approval of this EPA modified certification plan, BPA will implement the following changes:

SECTION 1. CERTIFICATION PLAN ADMINISTRATION: No measures necessary to implement changes.

SECTION 2 ADMINISTRATIVE CONTROLS.

A. GENERAL PROVISIONS

1. PROVISIONS FOR GROUNDS FOR DENYING, SUSPENDING, OR REVOKING A CERTIFICATION: No measures necessary to implement changes.

2. PROVISIONS FOR CERTIFIED APPLICATOR RECORDKEEPING: Update BPA recordkeeping forms to include all required information, and distribute to Certified BPA employees, by 9/30/2021.

B. PROVISIONS FOR APPLICATIONS MADE IN AREAS THAT ARE NOT SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION: No measures necessary to implement changes.

SECTION 3. FEDERAL AGENCY APPLICATOR CERTIFICATION CATEGORIES: BPA is removing a combination right-of-way/wood treatment category that is no longer needed and keeping the rights-of-way only category. No measures necessary to implement changes.

SECTION 4. LIMITED USE CERTIFICATION CATEGORIES: Not applicable

SECTION 5. STANDARDS FOR CERTIFICATION OF FEDERAL AGENCY

APPLICATORS: Content of training materials and examinations (for new BPA employees seeking certification under BPA's updated plan) will be reviewed and updated by BPA's PP&A, and BPA's contract professional trainer, prior to trainings and examinations. Content of training materials and examinations will be reviewed and updated for consistency with Federal core standards, right-of-way pest control standards, and state and Tribal Laws. Examinations will be conducted according to new examination standards starting in the Calendar Year (CY) after the Fiscal Year (FY) when BPA's updated plan is approved (e.g. if approved in FY21, it would be implemented in CY22). All BPA employees who pass the certification examination after BPA's updated plan is implemented will be certified under the new updated certification plan.

SECTION 6. RECERTIFICATION STANDARDS: Content of recertification training materials and examinations (for currently-certified BPA employees seeking

recertification under BPA's updated plan) will be reviewed and updated by BPA/PP&A, and BPA's contract professional trainer, prior to trainings and examinations to be conducted in CY 2021. Content of training materials and examinations will be reviewed and updated for consistency with Federal core standards, right-of-way pest control standards, and State and Tribal Laws. Examinations will be conducted according to new examination standards starting in the Calendar Year (CY) after the Fiscal Year (FY) when BPA's updated plan is approved (e.g. if approved in FY21, it would be implemented in CY22). All currently certified BPA applicators would be permitted to be recertified under BPA's new certification plan, and those BPA employees who pass the recertification examination after BPA's updated plan is implemented would be certified under the new updated certification plan.

SECTION 7. STANDARDS FOR THE DIRECT SUPERVISION OF NONCERTIFIED APPLICATORS: BPA would prohibit the use of RUPs by anyone who is not a BPA federal employee certified applicator. No measures necessary to implement changes.

SECTION 8. CREDENTIALS: BPA would update the certification credentials, to reflect, BPA's single category (Right-of-Way Pest Control) starting in the Calendar Year (CY) after the Fiscal Year (FY) when BPA's updated plan is approved (e.g. if approved in FY21, it would be implemented in CY22).

SECTION 9. RECIPROCITY: There are no reciprocity provisions in the current or new plans.

SECTION 10. REPORTS TO EPA: BPA would begin submitting reports to EPA containing the new required information, starting with the 12-month reporting period following implementation, which would be approximately January 2023 (if approved by EPA in FY21 and implemented in CY22).

Final implementation is by December 31, 2022.

APPENDIX A
BPA Examination standards in accordance with §171.103(a)(2)

BPA will ensure that:

- All examinations will be presented and answered in writing.
- Each examination has between 25 and 50 questions and the passing score is 80%.
- The time allotted to complete the exam would not exceed 2 hours.
- All persons seeking certification/recertification will have one opportunity per year to re-take a failed (<80% score) examination. The re-take must occur at least one week after the initial failed attempt.
- All examination reference materials will be provided to candidates and only these approved materials are permitted during the exam. These materials may include, but are not limited to, sample product labels, safety data sheets, unit conversion tables, equipment specifications, etc.
- 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 BPA Federal Employee Badge.
- 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.
- At least two separate certification/recertification examinations will be maintained and administered randomly.

BPA will require that proctors:

- Verify BPA Federal Employee Badge.
- Collect a signed training roster (or copy), and completed/graded examinations, to provide to the certifying authority.
- 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 EPA.

APPENDIX B
BPA Recertification standards in accordance with §171.107

(a) Maintenance of continued competency.

- The recertification period is up to two years. A certification shall expire on December 31st of the second calendar year from date of issuance if a BPA applicator has not fulfilled the recertification requirements.

(b) Process for recertification.

(1) Training.

- A BPA employee or contracted trainer will review core and category competency standards, relevant State and Tribal laws, and updates in the right-of-way category field prior to an examination.

(2) By written examination.

- A BPA 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 are designed to evaluate whether BPA applicators demonstrate the level of competency required by §171.103.

APPENDIX C.
Core Standards of Competency at §171.103(c) adopted by BPA

Certified commercial applicators. Persons seeking certification as commercial applicators must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of restricted use pesticides by passing a written examination. Written examinations for all commercial applicators will address all of the following areas of competency:

(1) Label and labeling comprehension. Familiarity with pesticide labels and labeling and their functions, including all of the following:

- (i) The general format and terminology of pesticide labels and labeling.
- (ii) Understanding instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels and labeling.
- (iii) Understanding that it is a violation of Federal law to use any registered pesticide in a manner inconsistent with its labeling.
- (iv) Understanding labeling requirements that a certified applicator must be physically present at the site of the application.
- (v) Understanding labeling requirements for supervising noncertified applicators working under the direct supervision of a certified applicator.
- (vi) Understanding that applicators must comply with all use restrictions and directions for use contained in pesticide labels and labeling, including being certified in the certification category appropriate to the type and site of the application.
- (vii) Understanding the meaning of product classification as either general or restricted use and that a product may be unclassified.
- (viii) Understanding and complying with product-specific notification requirements.
- (ix) Recognizing and understanding the difference between mandatory and advisory labeling language.

(2) Safety. Measures to avoid or minimize adverse health effects, including all of the following:

- (i) Understanding the different natures of the risks of acute toxicity and chronic toxicity, as well as the long- term effects of pesticides.
- (ii) Understanding that a pesticide's risk is a function of exposure and the pesticide's toxicity.
- (iii) Recognition of likely ways in which dermal, inhalation, and oral exposure may occur.
- (iv) Common types and causes of pesticide mishaps.
- (v) Precautions to prevent injury to applicators and other individuals in or near treated areas.
- (vi) Need for, and proper use of, protective clothing and personal protective equipment.
- (vii) Symptoms of pesticide poisoning.
- (viii) First aid and other procedures to be followed in case of a pesticide mishap.
- (ix) Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions

to be taken to prevent children from having access to pesticides and pesticide containers.

(3) Environment. The potential environmental consequences of the use and misuse of pesticides, including the influence of all of the following:

- (i) Weather and other indoor and outdoor climatic conditions.
- (ii) Types of terrain, soil, or other substrate.
- (iii) Presence of fish, wildlife, and other non-target organisms.
- (iv) Drainage patterns.

(4) Pests. The proper identification and effective control of pests, including all of the following:

- (i) The importance of correctly identifying target pests and selecting the proper pesticide product(s) for effective pest control.
- (ii) Verifying that the labeling does not prohibit the use of the product to control the target pest(s).

(5) Pesticides. Characteristics of pesticides, including all of the following:

- (i) Types of pesticides.
- (ii) Types of formulations.
- (iii) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations.
- (iv) Hazards and residues associated with use.
- (v) Factors that influence effectiveness or lead to problems such as pesticide resistance.
- (vi) Dilution procedures.

(6) Equipment. Application equipment, including all of the following:

- (i) Types of equipment and advantages and limitations of each type.
- (ii) Use, maintenance, and calibration procedures.

(7) Application methods. Selecting appropriate application methods, including all of the following:

- (i) Methods used to apply various forms and formulations of pesticides.
- ii) Knowledge of which application method to use in a given situation and that use of a fumigant, aerial application, sodium cyanide, or sodium fluoroacetate requires additional certification.
- (iii) How selection of application method and use of a pesticide may result in proper use, unnecessary or ineffective use, and misuse.
- (iv) Prevention of drift and pesticide loss into the environment.

(8) Laws and regulations. Knowledge of all applicable State, Tribal, and Federal laws and regulations.



(9) Responsibilities of supervisors of noncertified applicators. Knowledge of the responsibilities of certified applicators supervising noncertified applicators, including all of the following:

- (i) Understanding and complying with requirements in § 171.201 of this part for certified commercial applicators who supervise noncertified applicators using restricted use pesticides.
- (ii) The recordkeeping requirements of pesticide safety training for noncertified applicators who use restricted use pesticides under the direct supervision of a certified applicator.
- (iii) Providing use-specific instructions to noncertified applicators using restricted use pesticides under the direct supervision of a certified applicator.
- (iv) Explaining pertinent State, Tribal, and Federal laws and regulations to noncertified applicators who use restricted use pesticides under the direct supervision of a certified applicator.

(10) Professionalism. Understanding the importance of all of the following:

- (i) Maintaining chemical security for restricted use pesticides.
- (ii) How to communicate information about pesticide exposures and risks with customers and the public.
- (iii) Appropriate product stewardship for certified applicators.

Appendix D. Certificate Example

		Pesticide Applicator Certification		
		Category: 171.101(f) Right-of-Way Pest Control		
Name:		Issued:		
Cert No.:		Expires:		
<hr/>				
DIRECTOR				