

### **EPA Announces Final Plan for Federal Certification of Pesticide Applicators within Indian Country (Sunday 03/09/2014 12:00PM)**

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For federal purposes, state restricted use pesticide licenses aren't valid in Indian country within Montana, and until now a federal certification mechanism hasn't been in place. EPA now has a legal mechanism for applicators to apply restricted use pesticides within the exterior boundaries of Indian reservations. Montana pesticide applicators wanting to apply restricted use pesticides within the exterior boundaries of any Montana Indian reservation need to obtain an EPA Federal Certification. The EPA plan applies to private and commercial applicators who intend to apply RUPs in Indian country. RUP dealers located in Indian country will also need to meet certain requirements.



(Photo by Ass. of Appl. Biologists; <http://www.aab.org.uk/>)

#### ***HOW TO OBTAIN THE TRIBAL CERTIFICATION FROM EPA***

Montana pesticide applicators wanting to apply restricted use pesticides in Indian country should follow these steps to obtain an EPA federal pesticide certification:

- Obtain a state pesticide license.
  - If applying restricted use pesticides to land that an applicator owns, rents or leases, then applicator should obtain a Montana Private Applicator License by contacting their county or tribal Extension office. See [Private Applicator Training contacts](#).
  - If applying pesticides for contract, hire, or as a government or tribal applicator, then applicator should obtain a Montana Commercial / Government Applicator license by contacting the Montana Department of Agriculture at (406)444-5400.
- Submit a complete federal [certification application form](#) and a photocopy of both sides of your current and valid state commercial or private pesticide license to the EPA regional office at:

US EPA, Region 8  
Attn: Region 8 Certification  
1595 Wynkoop St, 8P-P3T  
Denver, CO 80202

Detailed application instructions and federal application forms are available at ‘  
<http://www2.epa.gov/pesticide-applicator-certification-indian-country/indian-country-applicator-certification-form> There is no fee to apply for and receive an EPA federal pesticide applicator certification.

### **PRIVATE APPLICATORS: TRIBAL EXPIRATION AND RENEWAL**

A private applicator federal certificate expires at the expiration date of the Montana private applicator certification. In Montana this is based on a 5 year certification cycle that is [staggered by region](#). Private applicators should renew their federal certification when they receive their new Montana private applicator license. At that time private applicators should send the application form to EPA with a copy of their new private applicator license.

### **COMMERCIAL APPLICATORS: TRIBAL EXPIRATION AND RENEWAL**

Federal certification for Montana commercial / government applicators coincides with their Montana pesticide license. That means commercial / government applicators will need to send a new federal application form with a copy of their new commercial / government license every 12 months. Many states have different renewal requirements than Montana.

### **DEALER REQUIREMENTS**

Each RUP dealer in Indian country where this EPA plan applies must keep records and submit reports to EPA, as described below.

By April 7, 2014, or within 60 calendar days of becoming an RUP dealer, a dealer must send the following to their EPA regional office.

- The business name by which you operate
- The name and business address of each dealership
- Submit any revisions to the initial report, such as name changes, additions or deletions of dealerships, to the EPA regional office within 10 calendar days of the change.

A dealer will also have to maintain records of RUP transactions for 24 months after the date of the transaction. The following is a summary of the information required:

- Name and address of each person to whom the pesticide was made available for use.
- The person’s certification number, certification expiration date and categories.
- Product name, EPA registration #, and the state special local need reg #.
- Quantity of the pesticide.
- Date of the transaction.

- Additional information for uncertified persons. An RUP should only be made available to an uncertified person if that person can document that the RUP will be used by a certified applicator.

## **WHEN YOU NEED TO BE CERTIFIED**

If you already have a Montana pesticide license:

- You may apply RUPs once you've submitted the federal certification application. You must have an EPA certification card in your possession to apply RUP's in Indian country by August 6<sup>th</sup>, 2014.

If you currently don't have a Montana pesticide license:

- You may not apply RUP's until you receive a Montana pesticide license and the EPA federal certification card.

**For Further Information:** The Pesticide Applicator Certification Form can be downloaded from <http://www2.epa.gov/pesticide-applicator-certification-indian-country>. See the complete "EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country" at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0037-0017>. See the EPA "Federal Certification to Apply Restricted Use Pesticides in Indian Country" website at <http://www2.epa.gov/pesticide-applicator-certification-indian-country>. If you have further questions contact Cecil Tharp ([ctharp@montana.edu](mailto:ctharp@montana.edu); 406-994-5067).