



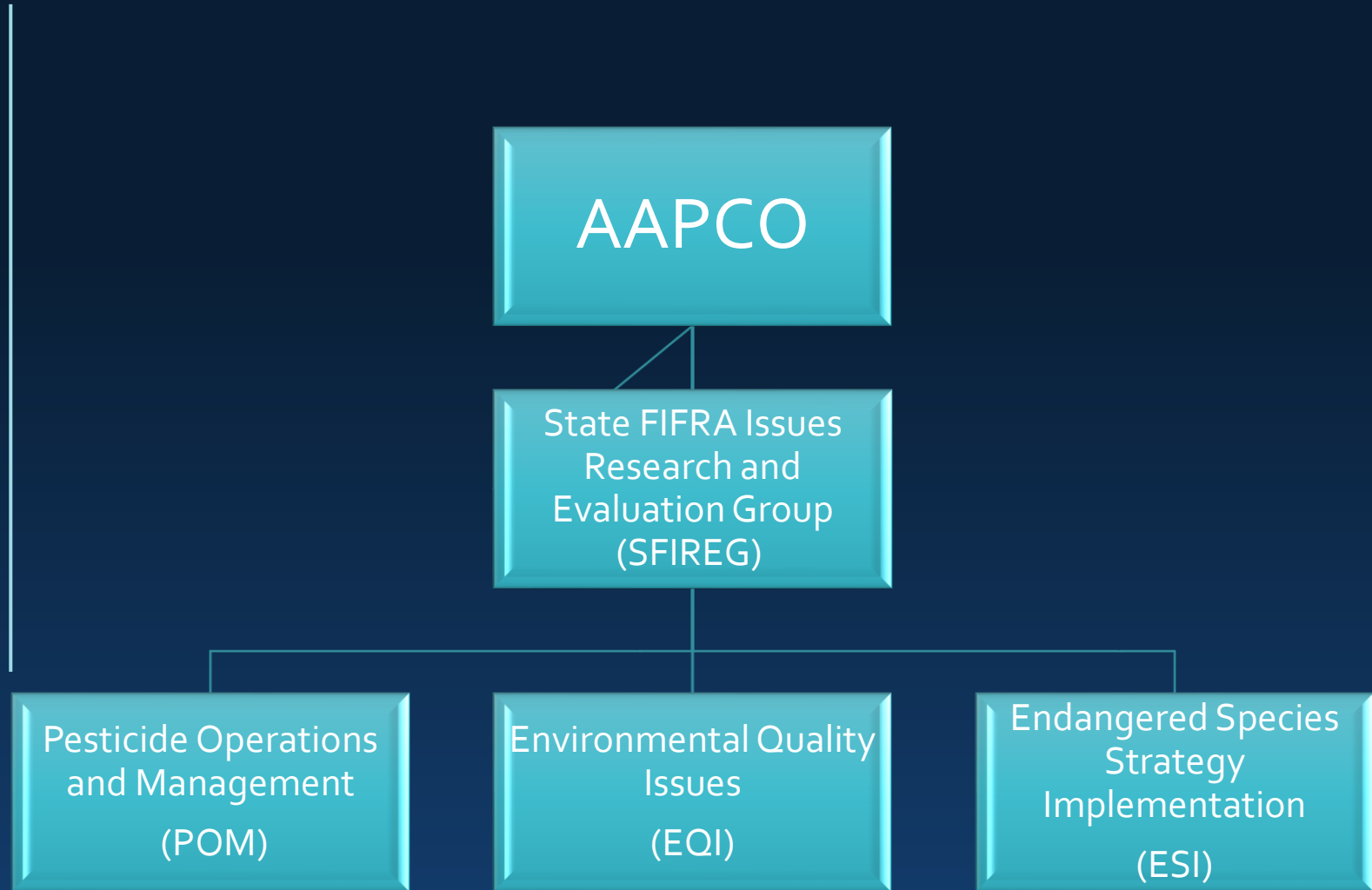
AAPCO Certification & Training Survey Results

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(POM) Working Committee Chair

Association of American Pesticide Control Officials (AAPCO)



Background:

- EPA is currently working to develop a “modifications to approved plans” guidance that will assist states in determining which plan modifications will require notification, or EPA-approval (i.e., what constitutes a “substantial modification” under 40 CFR 171.309(a)(3)).
- EPA is also considering a “non-notification” designation. EPA has indicated that that they plan to build out the external guidance and put the draft out for public comment in Summer 2024.

Tasks:

- Generate a list of common and/or anticipated C&T plan modifications and
- Evaluate whether such modifications, from a State Lead Agency (SLA) perspective, should be designated as “non-notification, notification or substantial”
- Present results at the SFIREG Joint Working Committee Meeting, April 2024
- Provide results to EPA for use at the Pesticide Regulatory Education Program (PREP) C&T course, April 2024

Modifications:

- **Non-notification** – modification would be inconsequential; it would NOT require notification to EPA.
- **Notification** – modification would require notification to EPA within 90 days per 40 CFR 171.309(a)(2), but not EPA approval.
- **Substantial** – modification would require prior approval by EPA per 40 CFR 171.309(a)(3).

Additional Information:

- Discuss logistical considerations/concerns related to the notification/EPA-approval process.
- Examples of plan modifications may include modifying deadlines in the implementation timeline and addition of applicator categories.

C&T Plan Modification Guidance Input

Help SFIREG POM provide input to EPA on developing C&T plan modification guidance.

Background: EPA is currently working to develop a “modifications to approved plans” guidance that will assist states in determining which plan modifications will require notification, or EPA-approval (i.e., what constitutes a “substantial modification” under 40 CFR 171.309(a)(3)). EPA is also considering a “non-notification” designation. EPA has indicated that that they plan to build out the external guidance and put the draft out for public comment in Summer 2024.

Task: Generate a list of common and/or anticipated C&T plan modifications, evaluate whether such modifications, from a State Lead Agency (SLA) perspective, should be designated as one of the following:

- Non-notification – modification would be inconsequential and would NOT require notification to EPA.
- Notification – modification would require notification to EPA within 30 days per 40 CFR 171.309(a)(2), but not EPA approval.
- Substantial – modification would require EPA approval by EPA per 40 CFR 171.309(a)(3).

Discuss logistical considerations/concerns related to the notification/EPA-approval process. Examples of plan modifications may include modifying deadlines in the implementation timeline and addition of applicator categories.

Thank you for your time.

1. Contact information

Name	<input type="text"/>
Agency	<input type="text"/>
State/Territory/Tribal Government	<input type="text"/>
Email Address	<input type="text"/>

2. List examples of common plan modifications that should be designated as a “non-notification”.

A tractor is shown in a field, viewed from the front-left. The entire image is overlaid with a semi-transparent blue filter. The tractor has a large circular fan on the front and is positioned in the center of the frame.

Results Summary

26 SLAs responded

Question 1:

List examples of common plan modifications that should be designated as a “non-notification”

- Changes to names, contact information and organization structure of state lead agency and cooperating partners.
- Changes to which States will receive **Reciprocity**
- Minor amendments to **timeframes** for implementation (a delay of 6 months)
- If a new vendor is selected for 3rd party **testing services**
- Adding a **category**

Question 2:

Do you anticipate any modifications to your existing plan that should be designated as a “non-notification”?

- **7 Yes**

- Minor amendments to timeframes.
- Anticipate considering GUP only antimicrobial category.
- Modification to acceptable proofs of financial responsibility.
- Content on certification cards issued to applicators updates to manuals and creation of manuals.

- **9 No**

- **10 Unknown**

Question 3:

List examples of common plan modifications that should be designated as a “notification”.

- Dropping a **category** for which there is no longer a need
- Modifications to implementation **timeline** dates
- **Category** addition
- Changes to primary **contacts**.
- **Examination procedures**, moving to online exams
- Updates to **reciprocity**
- Significant (> 1 yr) changes in **timeframes**

Question 4:

Do you anticipate any modifications to your existing plan that should be designated as a “notification”?

- **9 Yes**
 - Anticipate that the rulemaking process, including consideration of feedback from stakeholders and the public, will result in final rule text that is not identical the pre-proposal, draft rule text in our certification plan.
 - Amending dates for rule adoption and implementation schedule.
 - Category addition - Drone/UAV
- **6 No**
- **11 Unknown**

Question 5:

List examples of common plan modifications that should be designated as a “substantial”.

- Addition or deletion of a mechanism for certification and/or recertification.
- Extensive **timeline** extensions or changes.
- **Category** additions/removals.
- **Changes in testing** - significant such as, in person to online.
- Law and regulatory changes

Question 6:

Do you anticipate any modifications to your existing plan that should be designated as a “substantial”?

- **6 Yes**
 - Anticipate considering adopting categories or subcategories specific to invasive species
 - Anticipate considering expanding the regulatory category to include contractors of government agencies
 - Anticipate considering new or amended categories that better capture awkward use sites (e.g., riparian areas) and better educate certified applicators that make applications on these sites.
- **10 No**
- **10 Unknown**

Question 7:

List any other considerations, comments or concerns related to the notification or EPA approval process for plan modifications.

- We appreciate EPA's efforts to develop interpretive guidance regarding certification plan modifications.
- When providing modifications to approved plan guidance, please provide examples to be sure states are fully aware of the meaning.
- It would be great if the reapproval or notification of changes process was simple, intuitive, easy to initiate and complete.
- All changes to the written plan must be made after discussion with the EPA regional office, after which it can be determined to seek EPA Headquarters approval for certain subjects.
- The EPA needs to maintain the flexibility as described prior to plan submission.



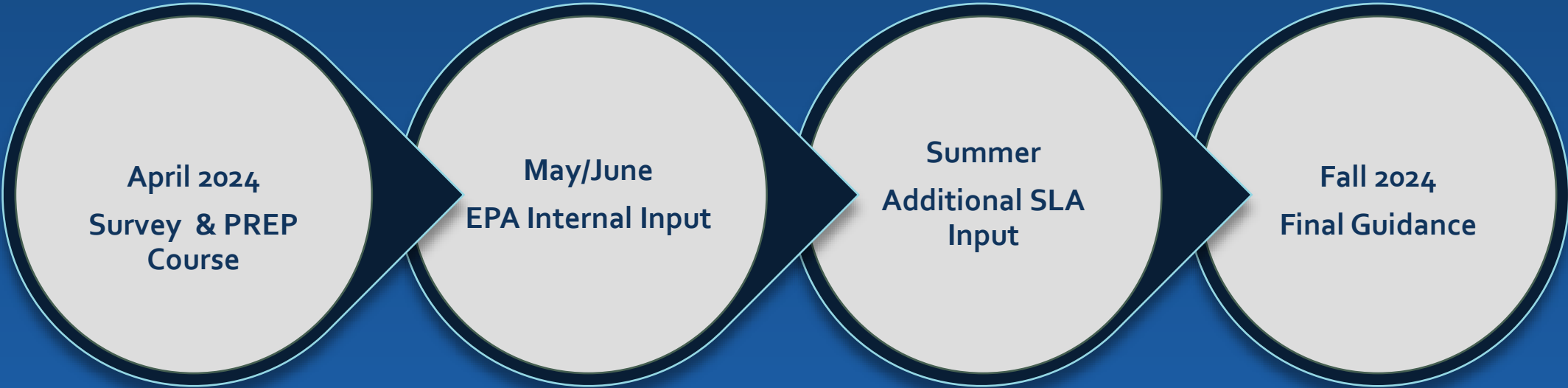
Implementation

EPA Guidance

Plan Changes

EPA guidance terms	Substantial	Notable	Incidental
Survey terms	Substantial	Notification	Non-Notification
Notification and approval	Requires EPA pre-approval	Notify EPA within 90 days or in annual report	Notify EPA in annual report
Defined in regulation 40 CFR 171.309 (a)	<ol style="list-style-type: none"> 1. Add/remove certification or recertification mechanism 2. New category or subcategory 3. Other changes 	N/A	NA
Examples	<p>“Other changes”: Legal authorities, implementation moved back 1 year or more</p>	Statutory/regulatory language, recertification period, competency standards, etc.	Changes to personnel titles, grammar and punctuation, formatting, etc.

EPA Guidance Timeline



Questions?



Survey results:

[Association of American Pesticide Control Officials \(aapco.org\)](http://aapco.org)



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