



TO: EPA  
RE: Docket Number EPA-HQ-OPP-2011-0183

Ladies and Gentlemen:

Thank you for providing an opportunity to submit comments on Docket Number EPA-HQ-OPP-2011-0183, pertaining to proposed revisions to the EPA certification of pesticide applicator rule.

The Minnesota Pest Management Association has learned that EPA has proposed revisions to the current regulations governing the activities of pest control companies and licensed individuals. These revisions are aimed at ensuring that those who handle the highest-risk pesticides (those designated by EPA as restricted-use pesticides [RUPs]) are receiving sufficient ongoing training in order to ensure compliant and effective use of those pesticides, and to reduce the incidence or likelihood of misapplications, off-target applications, or other adverse events. While we applaud the intentions behind the proposed revisions and have no quarrel with most of them, we are concerned about some of the proposed language pertaining to recertification requirements. Specifically, our concerns pertain primarily to Unit XIV.B of the proposed revisions, in which EPA proposes to require a rigid complement of continuing education units (CEUs) towards renewal of Commercial licenses on a three-year cycle.

According to the proposal, 6 CEUs must be accrued towards core content (general knowledge) and 6 CEUs must be accrued towards each respective category of certification during a 3-year recertification cycle. Failing this, applicators can recertify by re-taking the certification exam with a passing score.

In Minnesota, Structural Pest Control Applicators are licensed under a separate Commercial license description called SPCA. All other persons doing any kind of Commercial pest control (e.g., rights-of-way vegetation management, non-commensal-rodent vertebrate control, or structural and commodity fumigation) must obtain at least one certification category and a Commercial license.

In this letter, we will make the point that, at least in this state, the current system of providing ongoing recertification training is doing an excellent job of ensuring that applicators are exposed to annual review of core knowledge; that they are brought up to speed on new information that they need in order to best serve their constituents; and that the applications they make are effective, compliant, and cost-efficient.

The Minnesota Pest Management Association (MPMA) represents and counts among its membership 183 pest control companies within Minnesota; those companies collectively employ about 1,085 licensed Structural Pest Control Applicators (SPCA). Our industry serves homeowners and other residential clients, as well as the commercial, industrial, institutional, food-processing, grain management, and transportation industries. In addition, many of our member firms and their employees carry Commercial licenses with certifications in Rights-of-Way, Vertebrate Control, Fumigation, Aquatic/Mosquito Control, and Turf & Ornamental pest management.

- Individuals qualify for a license to apply pesticides in Structural pest control (as well as in the Commercial-license certification categories) by passing an exam promulgated by the Minnesota Department of Agriculture (MDA), and by submitting a satisfactory application, application fee, and proof of financial responsibility.



- Individuals qualify for annual renewal of their Structural (SPCA) licenses by attending an annual two-day recertification event sponsored jointly by the Minnesota Department of Agriculture, the University of Minnesota, and the Minnesota Pest Management Association. This conference provides a solid blend of core-competency and Structural category-specific training on the latest in pest identification and biology; compliant and effective pesticide use; pest prevention and control methods and materials; and trends in pests currently affecting our State, its residents and businesses, and its economy.
- Individuals qualify for renewal of Commercial licenses by attending special recertification events that cover core competency and category-specific information.

The Minnesota Pest Management Association is opposed to the proposed rule changes pertaining to the accrument of 6 core CEUs and 6 additional category-specific CEUs per category, per recertification period. We believe the current system of licensing, certification, and re-certification training should be retained.

Our first argument is that recertification training is not the same thing as re-taking the exam. Re-taking an exam is not nearly as good a way of ensuring applicators stay abreast of the latest knowledge, technology and skills as recertification seminars are. When one re-takes a test they already passed in order to re-certify, he or she demonstrates mastery of fundamentally the same knowledge as when they took the test the first time. By contrast, annual or semi-annual recertification seminars are able to offer review of basic knowledge, but also add new information on technology, pest biology, regulations, and current trends in pests and pest control. By offering two paths to recertification and by making it difficult to accrue the required number of CEUs, EPA might inadvertently create a situation in which many applicators would opt to re-take the exam – the easier route. These applicators would be deprived of the opportunity to learn anything new. We would trade excellence for compliance.

As just one example of why we believe re-testing should be discouraged in favor of attending recertification seminars, consider some of the topics presented at the most recent Structural recertification conference in Minnesota:

- Pollinator protection
- Pest management and public health
- Bed bug update
- Small- and large-fly case studies
- Best practices when using Avitrol to manage pest birds
- An interactive problems and solutions workshop, during which participants had to think through some pest-related scenarios and come up with the best solution; supportive feedback was supplied following this activity
- Measuring and calibration
- Effect of water quality on the efficacy of sprays
- Wood destroying organisms
- Integrated rodent management



Had some applicators decided to re-test because of CEU requirements that are hard to meet, they would have missed these conference sessions – each of which provided advanced, new, or unique information not available from exam study manuals.

It is not hard to pass a test and re-pass the same test a year or two later; but that only makes sense if people only stay in the pest control industry for a year or two. Our industry prides itself on low turnover, significant longevity, and people who want to learn because they are committed to a profession, to their clients, and to career growth. The more people know, the better and safer applicators they will be. Retesting should be discouraged; it is at least as time-consuming and expensive as re-training, and there are no benefits other than that the individual gets to keep her or his license card.

In Minnesota, our two-day recertification event has evolved over the years into a training opportunity that uniquely meets the needs of Minnesota Structural Pest Management Applicators, and that uniquely satisfies the mission of our regulatory lead agency, the Minnesota Department of Agriculture. Our two day recertification conference as it currently exists assures MDA that applicators are qualified to hold a license and are likely to work in a professional, compliant, and environmentally responsible manner. MDA takes an active part in the planning of this conference, and insists that certain topics and categories of knowledge are presented during the event. The result is a balanced and academically sound learning event whose scope goes far beyond mere compliance with a certain number of CEUs. Arbitrarily requiring 6 core and 6 category CEUs would negatively impact the quality of recertification education received by Minnesota SPCA applicators, not to mention other Commercial license categories as well.

A quick analysis of the impact of the proposed 6 core/6 category CEUs rule on our annual recertification conference is as follows:

- Our conference agenda will be affected because we would need to devote an unnecessary amount of training time to Core topics. Rather than submit to an arbitrary 50/50 split between core and category material, we believe our current balance of topics, decided upon at one or more conference planning meetings attended by a representative of our EPA lead agency (MDA), ensures both compliance and real improvement in knowledge, skills, and values held by applicators.
- The effect of the proposed changes on those SPCA applicators holding extra certification categories (rights-of-way vegetation management, vertebrate control, aquatic/mosquito control, turf and ornamental pest control) will be even more adverse. Those sessions would need to run roughly 4 hours every other year. All of this will both dictate which topics we must cover, and will limit the amount of other useful content we can cover. Our training agendas will suffer, and thereby so will the ability of applicators to do their jobs in a compliant, effective and cost-efficient manner.
- It is noteworthy that the structural pest control industry in Minnesota, comprised of a large number of businesses and many certified and licensed individuals, already enjoys a fruitful cooperative relationship with MDA, our EPA lead agency. MDA has, over the years, made a significant investment in time, support and collaboration with our industry; and this has resulted in our being in a very good position to ensure good



outcomes through training. Going from what we now have to a one-size-fits-all National standard would be a big step backward.

In short, MPMA believes Minnesota has excellent Structural Pest Management Applicator (SPMA) certification, training and re-certification programs in place at this time. The State of Minnesota has ensured knowledgeable applicators through strong certification examinations and through yearly training. In fact, recognition of the need for structural pest management applicators to be especially well-versed in safety; regulatory compliance; pest identification, biology, prevention and control; and environmental stewardship was in large part the reason why, in approximately 1970, the Minnesota Department of Agriculture separated this group of applicators from the other commercial applicators. After all, SPCA license-holders work in close proximity to people, their homes, and their places of business. A cookie-cutter approach will not do. Now as in 1970, we need training unique to the needs of our state, its people, its businesses, its geography, and its specific mix of pests.

As an indicator of the success of this kind of cooperation between our industry and the MDA and how it led to the development of the present certification and training program, please consider the very low number of MDA investigations and enforcement actions involving the structural industry's applicators. Any official of MDA will say that violations committed by SPCA-licensed applicators in Minnesota are very few and far between; and we believe this is a direct result of the excellent training, certification and re-certification programs we have forged in cooperation between industry, academia and our regulatory agency.

States should be allowed flexibility between core content and content pertaining to the various certification categories, according to what makes sense. Assigning 50% of time spent on recertification to core content severely limits the amount of time during which category-specific content can be covered. It makes more sense for industry representatives, in cooperation with states' lead agencies, to arrive at a mix of training that makes sense not just for the formality of recertification, but in the interest of sending qualified and capable professionals out into the homes, institutions, and businesses that stand to benefit from steadily increasing professionalism.

In Minnesota, our EPA lead agency's (MDA's) interpretation of federal laws, state laws, department policies and factors specific to our region has necessitated that many of our technicians not only have Core and Commercial (structural pest) certification; but many also have one or more of the following licenses: Rodent, Turf and Ornamental, Fumigation, Rights of Way, and/or Aquatic/Mosquito control. For example, structural pest control companies routinely receive calls to control moles and pocket gophers; under MDA rules, the SPCA applicator must obtain a Commercial license with endorsement for the Vertebrate category in order to control moles or pocket gophers. Another example: SPCA applicators desiring to do mosquito larviciding work for their structural clients must get a Commercial license and have the Aquatic/Mosquito certification category. Those wishing to offer structural and commodity fumigation must be certified in the fumigation category. It isn't hard to see that requiring 6 continuing education units for each additional certification category over and above the 6 CEUs needed for "core" would be time consuming, at roughly 4 hours every other year. Again, we would have to sacrifice quality of content for compliance with an arbitrarily-assigned 6/6 split between core and category content.

In summary, the Minnesota Pest Management Association opposes changes to the current certification, training and re-certification program because:



- The proposed system would require applicators to attend an unreasonable number of recertification classes in order to amass the required 6 CEUs for every certification category.
- Those who find it difficult to meet the new CEU requirements will in many cases opt to re-take the license/certification exam, which would do nothing towards maintenance of the knowledge and skills needed in order to effectively serve the public.
- The pest control industry in our state and many other states has a long history of working with academic institutions and state lead agencies to create training that is unique to the needs of each individual state. This approach – not one that is arbitrarily imposed on all states as though all were the same – has been working quite well for us, and we believe the proposed changes would invite mediocrity.

We realize that not being in favor of the proposed rules is just complaining if we don't have an alternative to offer; thus, our proposed remedies:

- We support having a national minimum standard that requires all applicators to be trained, tested, and licensed before becoming applicators.
- We support any efforts to encourage training over re-testing for maintenance of a Commercial license.
- We think 6 CEU credits is too many for core, and feel a minimum of 3 in core is adequate.
- We think 12 overall CEU credits is fine, so if a state requires 3 in core, and 9 in commercial pest control, that's fine.
- Additional, secondary licenses, licenses not used that often, should require a minimum of 3 CEUs per category as well.

Again, thank you for inviting us to comment on the proposed changes, and for considering the viewpoint of our organization and industry.

Matt Ferguson, President  
Minnesota Pest Management Association