

● **FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (AERIAL APPLICATOR CERTIFICATION)**

STATUTORY CITATION: 7 USC §§ 136 – 136y

RELATED REGULATIONS: 40 CFR Part 171

GENERAL SUMMARY: Under rulemaking authority granted by the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency has adopted standards regulating the certification of commercial and private applicators who use or supervise the use of restricted-use pesticides applied by aircraft.

SPECIFIC TERMS AND CONDITIONS

In addition to satisfying the certification requirements applicable to all categories of pesticide applicators, as outlined in the previous entry, individuals seeking certification to apply restricted-use pesticides from the air — or to supervise aerial pesticide operations — are required to demonstrate practical knowledge of pest problems and pest control practices, including (among others) the following:

- (1) Labeling requirements and restrictions specific to aerial application of pesticides.
- (2) How to choose, calibrate and maintain aerial application equipment.
- (3) Weather-related factors to consider before and during aerial application.
- (4) Methods for minimizing off-target pesticide drift.
- (5) Competency in performing aerial applications that avoid drift and assure individual and public safety.

Private applicators who use or supervise the use of restricted-use pesticides applied by fixed- or rotary-wing aircraft are subject to very similar certification requirements.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — Any state which has adopted adequate pesticide use laws and regulations, establishes and implements adequate procedures for their enforcement, and agrees to maintain records and make reports as required, may enter into a cooperative agreement with the federal government for the enforcement of pesticide use restrictions. Under terms of such an agreement and in accordance with an EPA-approved state plan, the state is regarded as having primary enforcement responsibility for pesticide use violations.

All states except Wyoming currently exercise primary enforcement responsibility for pesticide violations under the Federal Insecticide, Fungicide, and Rodenticide Act. For state enforcement agency identification and contact information, see the first entry under "*Pesticides & Agricultural Chemicals*" for each state.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*. In those states which have not been granted primary enforcement responsibility, and in any other state where EPA finds that the cooperating state agency has failed to take warranted enforcement action, EPA may exercise its enforcement powers directly. EPA compliance personnel are authorized to investigate complaints of misuse of pesticide products and for such purposes may enter fields and other workplaces, interview workers and employers, and inspect and copy records. After notice and opportunity for a hearing, the agency may assess civil money penalties against commercial and private applicators found to have violated any provision of the Act. Criminal penalties are also prescribed.