

Arkansas Certification of Pesticide Applicators: U.S. Environmental Protection Agency Announces Approval of State Plan



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/04/2023

The United States Environmental Protection Agency ("EPA") announced in a September 28th news release the approval of the Arkansas State Certification of Pesticide Applicator Plan ("Arkansas Plan").

EPA states that the Arkansas Plan was revised to meet or exceed improved safety requirements in the 2017 federal Certification of Pesticide Applicators Final Rule ("CPA").

The Arkansas Department of Agriculture Plant Board ("Board") administers the provisions of the Arkansas Pesticide Control Act. EPA has delegated authority to the Board to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

FIFRA is the federal statute that regulates the registration, distribution, sale, and use of pesticides. The law includes herbicides, antimicrobials and devices.

The Board has in place regulations to confirm that regulated products meet all state and federal requirements. It has the authority to undertake enforcement actions for noncompliance.

Both Arkansas users and applicators of restricted use pesticides are required to be trained in the proper handling of pesticides. They also must be licensed by the Board in accordance with the Arkansas Pesticide Use and Application Act and regulations. Those applicators that apply pesticides commercially must also be tested before a license can be issued.

EPA states that the revised federal CPA contains improvements which include:

- **New categories:** A certificate is now required for aerial, fumigation, and predator control RUPs. These high-risk pesticides now require specific training due to the difficulty of application without causing severe harm by off-target exposure.
- **Minimum age:** Applicators must be 18 to apply RUPs (with limited age exemption (16) for some uses on family farms by noncertified applicators under the direct supervision of a certified applicator).
- **Noncertified applicator qualifications:** Those applying RUPs under direct supervision of a certified applicator must receive training in a manner they can understand. Applicators must verify training records for those working under their supervision prior to applying RUPs.
- **Recertification:** Certifications are valid for a maximum of five years. Previously, no federal limit.

Consequently, the Arkansas Plan was required to meet the revised federal CPA.

A copy of the news release can be downloaded [here](#).

