



# Department of Pesticide Regulation



Brian R. Leahy  
Director

Edmund G. Brown Jr.  
Governor

March 14, 2014

PML 14-02

TO: California Pesticide Dealers

SUBJECT: FEDERAL CERTIFICATION OF APPLICATORS OF RESTRICTED USE PESTICIDES WITHIN INDIAN COUNTRY

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**New Certification for Restricted Use Pesticides**

Recently the United States Environmental Protection Agency (U.S. EPA) adopted a federal plan to certify applicators to use restricted use pesticides (RUPs) within Indian Country. The Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners (CAC) lack authority to certify applicators within Indian Country; therefore, no one could previously be certified for the use of RUPs within Indian Country.

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**Compliance**

This letter addresses pesticide dealer requirements to be in compliance with California laws and regulations when application of an RUP is to occur in Indian Country.

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**Applicator Requirements**

Under the federal plan for Certification of Applicators in Indian Country, U.S.EPA will issue federal certificates to applicators who intend to apply RUPs within Indian Country. In order for commercial and private applicators to obtain a federal certificate they will need to possess a state issued certificate or license. The federal certification plan will allow applicators to purchase and apply RUPs on Indian Country, contiguous with the issuing state. See <<http://epa.gov/oppfead1/tribes/2013/cert-plan.html>>.

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**Dealer Requirements**

Dealers will need to obtain a copy of the purchaser's federal certificate. This certificate substitutes for the requirement in regulation to obtain from the purchaser a copy of their qualified applicator license or certificate or private applicator certificate (3 CCR section 6568).

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**Dealer  
Requirements  
Continued**

- Dealers will be required to comply with record keeping and sales reporting requirements, such as purchaser name and address, product, amount, and date of purchase (3 CCR section 6562). The dealer should collect information on the location for the application.
  - Since DPR and CACs lack the authority to regulate pesticide use on Indian Country, dealers do not need to obtain a copy of a restricted materials permit for RUPs to be used on Indian Country (FAC section 14010).
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**Contact**

If you have any questions, please contact Thomas Babb of my staff at 916-445-1707 or <Thomas.Babb@cdpr.ca.gov>.

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Sincerely,

*Original signed by*

Nan Gorder, Ph.D., Chief  
Pest Management and Licensing Branch  
916-445-4038

cc: County Agricultural Commissioners  
Mr. Joe Marade, DPR Agricultural Commissioner Liaison, Pesticide Programs Division  
Mr. George Farnsworth, Environmental Program Manager II, Enforcement Branch