



STATE OF MAINE
 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
 BOARD OF PESTICIDES CONTROL
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Memorandum

To: Board of Pesticides Control

From: John Pietroski | Manager of Pesticides Programs | Maine Board of Pesticides Control

Subject: Recertification Standards for the State of Maine Certification and Training Plan, Section 8.

Date: December 2, 2022

Introduction

The EPA has requested that the Maine State Plan include standards for recertification for applicators of restricted use pesticides that meet or exceed standards set forth by the EPA. The standards are located in *SECTION 8. RECERTIFICATION STANDARDS 40 CFR § 171.107* of our plan.

A draft of the guidelines for in-person, virtual, taped video courses and on-line courses that charge a fee are attached to this memorandum. A copy of *40 CFR § 171.107 Standards for recertification of certified applicators* is also included.

Please note that many of the standards are already in rule and some of the others have been brought to the Boards attention. New requirements are emphasized in the attached draft.

The staff is asking for your input and recommendations before submitting the plan to the EPA.

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Guidelines for In-Person, Virtual, Taped Video Courses and On-Line Courses that Charge a Fee.

11/21/2022

The Board of Pesticides Control (BPC) has established a list of guidelines to help trade organizations, agencies, companies, and educational institutions who are developing and submitting recertification programs. This will include programs that are in person, virtual, taped video presentations, and on-line courses that charge a fee.

The BPC already has standard operating procedures in place that must be followed for programs seeking credit approval. That documentation can be found in Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS and Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS.

The following non-highlighted standards are either in existing rules or have been previously reviewed and approved by the Board. Highlighted standards were developed by staff to address increased interest in virtual trainings. These newly proposed standards also reflect the current practices in other EPA Region 1 (New England) states as well as the practices of existing Maine-based training collaborators.

STANDARD OPERATING PROCEDURES FOR ALL RECERTIFICATION PROGRAMS

1. All recertification programs must be approved by BPC staff at least 15 days in advance of the program. The details of the program, including an agenda, must be submitted to the BPC in writing, by email, or through the BPC portal (MePERLS). When the BPC approves a program, an individual “CR Number” is assigned to each individual program and sent to the program sponsor for all future correspondence.
2. One credit will be assigned for each hour of presentation on appropriate topics. Appropriate topics are listed in number 5 below.
3. An individual who conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each one hour of presentation on approved topics.
4. An individual who organizes a meeting shall be required to maintain a sign-up sheet and supervise the signing of the sheet by all applicators attending the program. That individual shall submit that sign-up at the same time as the verification forms are collected in person. **If the recertification program is virtual, the sponsor will provide a copy of the applicators signed up for the program to the BPC. The signup sheet will be sent to the BPC either in writing, by email, or on the BPC Portal (MePERLS) within two weeks after the program date. The information on the signup sheet must include the applicator’s legal name, license number, and email address.**
5. Credit will be allowed for topics including, but not limited to:
 - a. Applicable laws and regulations.
 - b. Environmental hazards.
 - c. Calibration and new application techniques.
 - d. Label review.
 - e. Applicator safety.
 - f. Storage and disposal.
 - g. Pest identification and control.
 - h. Integrated pest management.
6. A BPC staff member will not be charged any fee to attend a credit program whether it be in person or virtual.

Applicators must attend the entire approved program(s) for which recertification credit is sought. No other person may complete or sign a verification form on another applicator’s behalf. Any form that is completed or signed by a person other than the applicator will be deemed a fraudulent report and will not be approved by the Board for recertification credit(s). Any credit(s) approved by the Board pursuant to an attendance verification form which is subsequently determined by the Board to have been completed or signed by a person other than the applicator shall be

void and may not be counted towards the applicator's recertification requirements; and any recertification issued on the basis of such credits shall be void.

Additionally, there are specific requirements for each type of recertification program.

IN-PERSON

1. An individual who organizes a meeting shall be required to maintain a sign-up sheet and supervise the signing of the sheet by all applicators attending the program.
2. The sign-up sheet and verification attendance forms will be collected at the end of the program by a BPC staff member or designated individual approved by the BPC. That individual shall submit that sign-up at the same time as the verification forms are collected **in person. The sign-up sheet will be sent to the BPC either in writing, by email, or through the BPC portal (MePERLS) within two weeks after the program date. The information on the sign-up sheet must include the applicator's full legal name, license number, and email address.**

VIRTUAL

1. **At least 15 days before the program, the individual who organizes a meeting must provide the virtual program link for applicators to register for meetings open to the public. This link will be posted on the BPC credit calendar. If the program is not open to the public, a link is still required to allow BPC staff to monitor the program.**
2. **The individual must be able to verify that the applicators seeking credits watched the entire program by one or both of the following methods:**
 1. **Offering a quiz after the presentation for which passing score must be 80 percent or greater; OR**
 2. **Offering poll questions during the presentation. For this verification approach:**
 - a. **the sponsor will digitally record the answers to the poll questions,**
 - b. **poll questions will be displayed at least every 15 minutes, and**
 - c. **attendees seeking credit must answer 75 percent of the poll questions.**
3. **The individual must provide the BPC with a verified list of applicators which includes each applicator's full legal name, Maine license number(s), and email address of the applicator within two weeks from the program date.**

TAPED VIDEOS

1. The individual who organizes a training must provide a copy of the video and a relevant quiz to the BPC for review at least 15 days in advance of offering the training to the public via the BPC credit calendar or to specific trade organizations, agencies, companies, and educational institutions.
2. The individual must be able to verify the applicators seeking credit by requiring completion of a quiz after the video for which the passing score must be 80 percent or greater.
3. An individual who organizes a meeting must maintain a sign-up sheet and must supervise and verify the signing of the sheet by all applicators attending the program. The individual must, within two weeks after the program date, provide the BPC with a sign-up sheet which includes each applicator's full legal name, Maine license number(s), and email address.
4. That individual shall, at the same time, collect and submit the sign-up sheet and completed quizzes* to the BPC.

5. *Where BPC staff members are attending in-person, the required quiz may be replaced with verification attendance forms.

ONLINE COURSES THAT CHARGE A FEE

The Board of Pesticides Control (BPC) offers numerous pre-approved online recertification credit programs. These programs charge a fee which is paid for by the attendee. A list of these programs can be found at:

https://www.maine.gov/dacf/php/pesticides/credit_calendar.shtml

1. The persons organizing such trainings must provide, for BPC review, a copy of the video or link to the video and a quiz.
2. The persons organizing the training must be able to verify the applicators seeking credit by offering a quiz after the video for which the passing score needs to be 80 percent or greater
3. The persons organizing the training must provide the BPC with the applicator's full legal name, Maine license number(s), and email address **within two weeks of program completion**.
4. The organization must provide the date on which the applicator purchased the training video as well as the date on which the applicator successfully completed the quiz.

§ 171.107 Standards for recertification of certified applicators.

(a) ***Maintenance of continued competency.*** Each commercial and private applicator certification shall expire five years after issuance, unless the applicator is recertified in accordance with this section. A certifying authority may establish a shorter certification period. In order for a certified applicator's certification to continue without interruption, the certified applicator must be recertified under this section before the expiration of his or her current certification.

(b) ***Process for recertification.*** Minimum standards for recertification by written examination, or through continuing education programs, are as follows:

(1) ***Written examination.*** A certified applicator may be found eligible for recertification upon passing a written examination approved by the certifying authority and that is designed to evaluate whether the certified applicator demonstrates the level of competency required by [§ 171.103](#) for commercial applicators or [§ 171.105](#) for private applicators. The examination shall conform to the applicable standards for examinations set forth in [§ 171.103\(a\)\(2\) of this part](#).

(2) ***Continuing education programs.*** A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's EPA-approved certification plan.

(i) The quantity, content, and quality of a continuing education program to maintain applicator certification must be sufficient to ensure the applicator continues to demonstrate the level of competency required by [§ 171.103](#) for commercial applicators or [§ 171.105](#) for private applicators.

(ii) Any continuing education course or event relied upon for applicator recertification must be approved by the certifying authority as being suitable for its purpose in the certifying authority's recertification process.

(iii) A certifying authority must ensure that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.