House Bill 221 Report – 66th Legislative Session

Recertification requirements and efforts to initiate online training

Introduction

With the signing of House Bill 221 during the 2019 Montana Legislative Session, the Montana Department of Agriculture (MDA) and the Montana State University Extension Pesticide Education Program (MSU PEP) were ordered to provide the Economic Affairs Interim Committee with a report on recertification requirements and efforts to initiate online training for farm applicators of pesticides.

House Bill 221 made the following changes to farm applicator recertification requirements:

1) MCA. Section 2. 80-8-209 (3): Farm applicators shall qualify for their first permit by either passing a graded written examination, <u>which the applicant may take online</u> or at an examination site designated by the department, or attending a training course approved by the department and then taking an ungraded written examination.

2) MCA. Section 2. 80-8-209 (5): <u>Online recertification training for farm applicators in order to fulfill all recertification requirements must be available to farm applicators.</u>

3) MCA. Section 2. 80-8-209 (5): <u>The department and the Montana state university-Bozeman extension service shall enter into a cooperative agreement to establish an online training program for farm applicators</u>.

In this report, MDA will address previous barriers to online testing, current online recertification approaches, and efforts to initiate online training for farm applicators.

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Previous Barriers to Online Testing

According to federal rule CFR 171.105 "Standards for Certification of Private Applicators," written examinations must follow all rules set forth within 171.103 (a)(2) "Examination Standards," under "Standards for Certification of Commercial Applicators." Previous barriers identified to online testing were:

(i)   The examination must be presented and answered in writing.
(ii)   The examination must be proctored by an individual designated by the certifying authority and who is not seeking certification at any examination session that he or she is proctoring.
(iii)   Each person seeking certification must present at the time of examination valid, government-issued photo identification or other form of similarly reliable identification authorized by the certifying authority as proof of identity and age to be eligible for certification.
(iv)   Candidates must be monitored throughout the examination period.
(v)   Candidates must be instructed in examination procedures before beginning the examination.
(vi)   Examinations must be kept secure before, during, and after the examination period so that only the candidates have access to the examination, and candidates have access only in the presence of the proctor.
(vii)   Candidates must not have verbal or non-verbal communication with anyone other than the proctor.

EPA has recently offered a more flexible interpretation of CFR 171.103(a)(2) regarding online mechanisms of delivery. Specifically, EPA indicates that when CFR 171.103 states "in writing," that this could be met by online means, and online proctoring could be possible under certain situations.

Online Recertification Approach

MDA currently offers 230 online courses. In 2019, 300 applicators took an online class and received credit for it, 90% of them were taken in the off-season during November and December. To date, 27 applicators have taken online courses in 2020, and MDA anticipates increased participation moving forward. With 5,532 private applicators, 809 commercial applicators, and 719 government applicators, online classes are an underutilized resource. Because of this, MDA is preparing an education and outreach campaign to encourage the use of online courses.

MSU PEP and MDA already utilize an active online recertification program that offers over 100 approved online courses for private applicators in Montana. Currently, there are 128 online courses approved for credits that applicators may take at any time. Each course costs from $10 - $30 per credit to test takers. Online courses were previously limited to two online courses per certification cycle; however, since House Bill 221 was passed, the Montana Private Applicator program has updated all policies, guides, and trainers to reflect these changes. Applicators may accumulate all six recertification credits online, thus meeting all their recertification credits online. The online platform currently available to private applicators has been in place since June 2020, and no complaints have been received regarding its use or efficiency.

MDA and MSU PEP have implemented a unique approach that permits full proctoring of exams online using the WebEx over-distance training platform and the Exam.net security utility.

a) **Using WebEx:** The WebEx app is easily downloaded online by trainees with web access and can be used at no cost. WebEx uses audio and video capabilities to deliver full proctoring by one of 56 MSU Extension agents. Government identification can be verified through WebEx or shared via Facetime to agents using private phone services. Crosstalk can be eliminated by disabling audio and video interactions if need be and video conferencing enables participants and proctors to ask and answer questions throughout exam.
   a. This mitigates barriers outlined in 171.103(a)(2)ii-v, vii (above).
b) **Using Exam.net:** Exam.net is a security feature that allows MDA and MSU PEP to create an online exam with the use of the "Safe Exam Browser," which meets security requirements by locking all other window options, print screen or copy and paste utilities. These security features are critical in protecting the confidentiality of the exam.
   a. This mitigates barrier outlined in 171.103(a)(2)vi (above).

Fiscal Impact

There are no costs associated with implementing changes to the online recertification program already utilized by MDA and MSU PEP. Updates to publications, online resources, trainers, and factsheets have been made to reflect these changes.

There are also no costs associated with the use of WebEx or Exam.net. Although, this is contingent on approval from EPA. A proposal is due to EPA by December 2020.

Efforts to Initiate Online Training for Farm Applicators

MDA and MSU PEP have established an online training program and meet annually to discuss online opportunities and the viability of any new online testing protocols, as approved by the Montana Pesticide Education Advisory Panel. This open discussion offers a platform for periodic improvement of online courses, webinars, credit review process, and the Private Applicator online exam. A more detailed online agreement is in process that will clearly outline recent changes to the program.

MDA is researching The Metro Institute Internet/Computer-Based Testing system as a secure web-based solution specifically designed for administering, scoring and reporting applicator testing data associated with pesticide regulatory licensing and certification. Metro currently serves 10 other states with online pesticide testing, with some states offering online testing exclusively. Since 2003, Metro has successfully delivered over 300,000 internet-delivered, computer-based exams. While Metro will assist in the delivery of pesticide exams, department staff will remain responsible for managing the testing program, reviewing and revising the 22 pesticide category exams for relevance and compliance, and updating exam information as new manuals are published and federal regulations change. Testers save time and money with the ability to take the exam at their chosen convenient time and nearby location.

Fiscal Impact

There is no cost associated with this agreement. There also no direct cost for the Metro Institute's Internet Computer-Based Exam System as delivered, and no ongoing charges. This service is paid for by the tester with a projected cost that is to be determined. Metro will collect exam fees directly from test takers at time of scheduling. Although testers will be encouraged to participate in online testing, paper-based tests will still be available.