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To: Board Members
From: Gary Fish, Manager of Pesticide Programs
Subject: Feasibility of Offering Commercial Applicator Exams in Spanish

Background

At the January 18, 2012 meeting, the Board discussed a request from an agricultural employer to assist Spanish speaking workers in becoming certified as commercial applicators. The Board subsequently directed the staff to research the feasibility of offering commercial pesticide applicator exams in Spanish. For most sectors of Maine agriculture, commercial licenses are not necessary for farm employees, because they can apply pesticides under the supervision of a licensed private applicator.

Survey of States

Since many other states have far more agriculture and more Spanish speaking workers than Maine, the staff began its assessment by surveying states about whether they offer exams or manuals in Spanish and, if so, what their experience has been. Attached is a chart showing responses from 37 states, the District of Columbia, Puerto Rico, and EPA Headquarters regarding Spanish exams or study materials and whether or not each jurisdiction offers exams, manuals or training in Spanish or other languages. The chart is an update of one previously done by the State of Virginia.

It shows that only four states offer Spanish exams to commercial applicators, one offers Spanish exams to private applicators only, one offers Spanish exams to commercial service technicians who are not certified to purchase or use restricted use pesticides and Puerto Rico offers Spanish exams for both commercial and private applicators. It's important to note that the idea of translating pesticide certification exams has been a topic of discussion for state pesticide agencies in the past. As you can see, the majority of states, including several with very large Spanish speaking populations have elected to rely on English exams only.

Considerations Raised by the Survey of States

In addition to the information about whether states offer exams or manuals in Spanish, most of the states responding to the survey also offered comments about their rationale and/or concerns that arise when certification exams are translated into other languages. A summary of those comments is provided below:

- The only legally verified labels are in English, therefore applicators need to be able to read and understand English labels.
- The cost estimates for translating exams vary widely. Since accurate translations would be critical to exam validity, verification of an accurate translation would appear important and likely increase the overall costs.
- Some registrants provide unofficial Spanish translations of some labels, but most labels have not been translated.
- All of the other pertinent information related to pesticide application is also in English, including manuals, laws, records, recommendations, guidelines and notices.

- Pesticide applicators often need to communicate with customers and/or neighbors which would suggest a need for applicators to communicate effectively in English.
- There are several prominent dialects of Spanish spoken in the United States which can differ enough so that translations may not be effective for more than one dialect.
- Some states that have offered Spanish exams with the intent of helping individuals who speak English reasonably well but struggle with reading English. Once the exams were translated, an expectation arose that certified applicators need not speak English at all. This created a series of communication problems that were not anticipated at the start of the process and put the state in the position of needing bilingual office and field staff.
- If exams are given in additional languages, without bilingual staff it is impossible to review failed exams with candidates that need a little extra help to pass.
- If individuals are certified who do not have a reasonable ability to understand English, how will they become recertified? Seminars and courses are only offered in English.
- If the Board offers certification exams in Spanish, it raises both legal and ethical questions about its obligation to translate exams into other languages.

Conclusions

The Board could contract for the translation of its exams into Spanish, but the questions of dialects and verification of the accuracy of the translations complicate the process. In addition, there are a series of practical, resource, legal and ethical considerations that have bearing on the Board's decisions.

The staff is sensitive to the needs of individuals for whom English is not their native language. In light of this need, and the considerations outlined herein, the staff recommends first attempting to provide tutoring and similar assistance to candidates prior to attempting exam translations.

AAPSE/SLACert Poll - Spanish Language Exams

January 31, 2013

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
EPA HQ	N/A	N/A	N/A	<p>EPA Label Review Manual</p> <p>II. Foreign language labeling Foreign language text, in addition to the full English text, is permitted in part or in its entirety on the product so long as it is a true and accurate translation of the English text. (See PR Notice 98-10) A registrant may provide bilingual labeling on any product without notification. However, if it is submitted, the Office of Pesticide Programs (OPP) currently does not review the translation for accuracy or stamp/approve it. If the foreign text is inaccurate or goes beyond the reviewed and accepted English labeling, the Office of Enforcement and Compliance Assurance may take enforcement action. Products marketed in Puerto Rico can be labeled in English only or in English and Spanish.</p> <p>Some registrants have requested that they be allowed to translate just the signal word and the statement used on the labels of products falling under the scope of the Worker Protection Standard (WPS) in cases where they know that their product users are not fluent in English. This is allowed by OPP. In cases where they are translating into Spanish, the Spanish signal word for toxicity category I products is "PELIGRO" and for toxicity category II products is "AVISO". The statement that appears on toxicity category I and II WPS products is as follows: "Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)"</p>
AL	No	N/A	No	NA
AZ	No	N/A	No	<p>We have had requests, but have not done so yet. One of the concerns raised was where will this end. If we do Spanish are we then going to be asked to do it in Hmong, etc. How do we do one and not the other? AZ does certify WPS Trainers and not only offers the course in Spanish with our own bilingual trainers, but we also have materials in Spanish and offer our WPS Trainer certification exam in Spanish. Our failure rate on testers using the Spanish tests and materials is considerably higher than in English.</p>

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
CA	Yes	Private Applicator Core and Maintenance Gardener Pest Control Category- (General Use Pesticides Only)	No	<p>Currently, the Department of Pesticide Regulation License and Certification Program offers two exams in Spanish. One is for the Private Applicator Certification. The other is for a commercial applicator, but only in one pest control category; the Qualified Applicator Certificate in the Maintenance Gardener Pest Control Category that allows incidental general classified pesticide use, but no possession or use of RUPs or CA restricted materials. The current cost reported here is only for translating exams from English to Spanish. One 70-question exam would cost about \$210.00.</p> <p>The exam includes a sample label in English, which they use to answer questions written in Spanish. We feel it is comfortable for the Spanish speaking test taker and a good measure of their label comprehension and response to offer the English label and offer the questions in Spanish for them to interpret a label and reply to questions. We feel it adequately measures competency in comprehending a label. There is no provision for a label reader during an exam for Spanish speakers, however, the law governing certification of private applicators does allow for an oral exam when the county agricultural commissioner feels a written exam would not accurately measure the understanding of the applicant.</p>
CO	No	NA	No	We continue to justify it by maintaining that labels are in English and that the exam, in English, helps determine English proficiency.
CT	No	NA	No	<p>This hasn't come up in CT yet. It would be useful to know what you learn. The idea of a label reader is one that I hadn't heard of before. The user would have no recourse if there were questions that come up except to track down the label reader for clarification, which I think is highly doubtful that it would occur.</p> <p>CT does not offer Spanish exams, and we have had no organized effort to require us to do so, only inquiries so far. Our rationale has been that most labels are in English, and label comprehension is key, and there needs to be written instructions to an operator (technician level, not a decision making certified applicator under FIFRA).</p>
DE	No	NA	No	Delaware does not offer Spanish certified pesticide applicator exams. We may be required to do so at some point, but not yet. We have the same issue that labels are in English, so exams should be in English.
District of Columbia	No	NA	No	Right now we don't offer the Certification Exams in Spanish (but we are supposed to by law).

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
FL	No	NA	No	<p>Florida does not allow for any exams to be given in any language but English, by Rule 5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.</p> <p>Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form.</p> <p>We may have a bill submitted in the legislature this year to require that we offer Spanish certification exams. Florida has not had a bill in the legislature to require Spanish certification exams. It wouldn't be logical to offer Spanish language exams or certification for pesticide applicators when product labels are in English. That would seriously complicate regulation, especially in states that regulate based on the "label" if an applicator cannot read and understand the label. Also, in FL there are many different groups of Spanish speakers. Translation of an exam would be difficult and the validity of exam questions could be challenged based on the dialect (i.e., Cuban dialect is very different from Mexican, which is different from Peruvian... We have all of these dialects and more in FL).</p>
GA	No	NA	No	<p>In the State of Georgia we do not test in Spanish for commercial pesticide applicator exams. It has not been an issue with our state legislature yet.</p>
IA	No	NA	No	<p>The Iowa Department of Agriculture and Land Stewardship does not offer any Spanish certification exams.</p>
ID	No	NA	No	<p>The way Idaho looks at it is on the basis of the pesticide label. Very few are offered printed in Spanish, and label comprehension is key to making a correct pesticide application.</p> <p>There are many businesses and farms that would like to have us give tests in Spanish, but there are just not enough translated labels to do this justice. Oregon does offer a Spanish exam, but they have label questions that are using labels printed in English. There are a number of label related questions and normally the folks that don't have a good knowledge of English simply cannot comprehend the label.</p> <p>My reasoning is that the labels are not printed in Spanish. If the labels get printed in Spanish, then we have something that we can provide a test on that can judge competence. Otherwise, we have to hope someone will always be there to translate and that is not realistic.</p>

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
IL	No	NA	No	<p>We have been approached by many landscapers in the Chicago area. There are two training sessions offered in Spanish, but we only offer all of our examinations in English.</p> <p>These changes would be burdensome to IL PSEP as none of us are fluent in Spanish. Currently, we offer 2 bilingual training clinics per year with a hired translator. Training takes twice as long as a clinic in English. Attendance has varied over the years but typically ranges from 10 to 40 total per year. Even though demand is low, we are working on having our online training for private applicators translated into Spanish with the thought that we will stop holding the face to face training clinics. Required labels will eventually lead to required trainings and I think it's safe to assume they will want face to face trainings. With all of the cuts we've had to Extension in the past year, we are not looking to add more Spanish trainings at this time, especially when we don't have the staff to support them. And it's not just the trainings, it's the phone calls and emails too with safety questions. We simply aren't set up for this scenario and we don't have plans or funding to be either.</p>
IN	No	NA	No	<p>We have been asked by industry to provide exams in Spanish and have managed to hold them off by explaining that the labels are in English and that they (once certified) might be required to supervise both Spanish and non-Spanish readers. We identify in our exam development process that examinees need to be able to read job related materials, including labels and site assessment fact sheets.</p> <p>Several years ago I asked some of our colleagues and did some superficial research into translation of exams. It appears that it would cost approximately 20,000 to translate an exam and THEN "reverse translate" it to make sure it was accurate.</p>
LA	No	N/A	No	N/A
MA	No	N/A	No	<p>We have been asked on several occasions about having exams in Spanish. Beyond the cost to develop exams in Spanish there would also be a need for study materials in Spanish which could be difficult to assess unless one is a native Spanish speaker. Our position has always been that until there are approved EPA labels in both English and Spanish that having an exam in Spanish is untenable since the labels would be in English. The prime directive to ensuring that pesticides are applied safely is to read and understand the label directions. If the applicant cannot read the label in English they cannot apply the pesticide according to label directions. Therefore, they must be able to read English.</p>
MD	No	N/A	No	<p>We do not offer Spanish exams. There have been some inquires, but that has been about it so far.</p>

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
ME	No	NA	No	NA
MN	No	NA	No	The reason: labels legally must be in English, so to meet minimum competency the applicator will need to understand English.
MO	No	NA	No	NA
MT	No	NA	No	Until they offer labels that are in other languages other than English, we won't offer exams in any language other than English. The whole point of the exam is know for sure that the applicator can read and understand the label use directions.
NC	Yes	Private Applicator; Core; Ornamental & Turf; Also, WPS Designated Trainer Exam	No	<p>Here in North Carolina we offer the Core exam, the Ornamental & Turf, and the Private applicator exam in Spanish, but not our other categories. We had the exams translated back in 2002-2003 due to the number of native Spanish speaking testers we have in NC, and farmworker groups advocating for Spanish versions. The labels attached to the Spanish version of the exams are in English, which is a real world situation that applicators will encounter. Applicators do not have to designate a label reader. We don't have a mandate to provide the exams in Spanish or have had the issue come up in the Legislature. We contracted with an outside company to perform the bulk of the work then, but also had some in-house translating done as well. Budgeting for the translation was doable at the time. We felt the need justified the expense. If you have any questions, please don't hesitate to email or call me.</p> <p>Unfortunately, no I haven't been able to find what the cost may have been. The folks who were involved with the project are no longer with us, and I haven't been able to find any notation of the cost in our records so far. We went through a Division change 6 years ago and budget records are divided.</p>
NH	No	NA	No	<p>We do make efforts to identify outreach and educational materials in other languages but the exams are in English.</p> <p>New Hampshire provides the exam in the English language only. To the best of my knowledge there is no legislative consideration to require that exams be prepared in additional languages in this state.</p>
NJ	No	NA	No	NA

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
NM	No	NA	No	In New Mexico we do NOT administer any pesticide certification exams in Spanish. The primary justification is that the labels are in English, although many registrants do publish Spanish-language labels today. So far we have not had much pressure to provide Spanish-language exams. On rare occasions we have "facilitated" applicants by reading the exam to them or similar accommodations, but we still require they be able to read the specimen labels that are part of the exams and answer the questions based on them.
NV	Yes	Agricultural plant; and ornamental and turf category.	No	Manual in Spanish as well.
NY	No	N/A	No	We do not currently offer any of our certification exams in Spanish. But I can share our experience with this issue, and it has been a frustrating one. Our Environmental Conservation Law (ECL) provides that the Commissioner may provide for training materials and exams to be provided in Spanish or other languages as he deems necessary. But our stance is that labels are primarily available in English, and our product registration does not have the resources to review and approve labels in other languages, so we felt that all exams should be in English. However, in 2007 the legislature passed and the Governor signed in to law, an amendment to the law that the Department would provide the certification exam in Spanish for one category of certification, aquatic antifouling paint applicators. Our first response was that we did not have the resources to do that. We were told that it was in the law, so we had to find a way. We reached out to several entities and US EPA Region 2 told us that they could possibly help. They had a contractor who had done similar work for them and money to cover this was made available. We worked with US EPA Region 2, and the exam was translated. It was then decided we needed someone to independently verify the exam translation was correct and that process was begun. At about the same, this had all taken many months (years as I recall), the law was amended and the requirement to provide the exam in Spanish was removed! So after all this effort and expense, we never did offer the exam in Spanish.
OK	Yes	Service Technician only	No	NA
OR	Yes	Private Applicator and Pesticide Apprentice	No	Oregon offers two exams in Spanish, the Private Applicator exam and the Laws & Safety exam. The labels are in English and they are not allowed to have a reader or translation dictionary.
PA	No	NA	No	NA
Puerto Rico	Yes	All	No	NA

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
SC	No	NA	No	In South Carolina, we do not permit the pesticide certification exams to be conducted in Spanish. Our contention is that the applicant must be able to read and understand the pesticide label, which is in English. If pesticide labels ever become bilingual in the U.S. market, we could revisit our decision, but until that time all pesticide certification exams are in English.
TN	No	NA	No	In the State of Tennessee we do not test in Spanish for commercial pesticide applicator exams based on the fact that not all labels are available in Spanish. UT-Knoxville has prepared a Spanish version of the Category 3 (ornamental &= turf) study material but the exam is still only in English.
TX	No	NA	No	Texas does not offer exams written in Spanish nor, has this issue ever come up through our rule-making process. The reason we give for not offering exams in Spanish or any other language, is the labels are not commonly written in other languages in this country.
UT	No	NA	No	NA
VA	No	NA	No	<p>This is a tricky issue for sure. We have felt pressure for years to translate the Virginia Core Manual into Spanish and to offer the corresponding exams in Spanish. It is still only being discussed at this point. But we have obtained cost estimates to translate the Core Manual into Spanish just in case. A subject of much debate at past Virginia Pesticide Control Board meetings.</p> <p>We worked with Learning Ally (www.LearningAlly.org) last year to convert the Virginia Core Manual into audio files (aimed at people who have reading disabilities or have problems digesting large amounts of text). This company also offers translation services, so we looked into hiring them to translate the Core Manual and its exams into Spanish. Last June, Learning Ally quoted us \$10,600 to translate the manual (now grown to 343 pages) and its exams. This may not even be close now, but it was what we were quoted last summer.</p>

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
WA	Yes	Yes	No	<p>WA offers a few Spanish exams – Private Applicator, Core, Ornamental Weed, Right of Way Weed and Ag Weed. The vast majority of those taking Spanish exams take either the Private Applicator or the combo of the Core/Ornamental Weed. While the exam items are provided in Spanish, the labels are only in English since this is how they are currently available. Our rules forbid the reading of exams so the intention is not to license folks who cannot read any English but to make them more comfortable in the examination process. Our Spanish exams are not legislatively mandated.</p> <p>WA began offering the Private Applicator exam in Spanish in the late 80's because we have such a high number of Mexican nationals working in agriculture in Eastern WA. At first, this worked well because it was the cream of the crop taking the exam and getting licensed. However, after that, folks that are barely literate in Spanish started to take the exam. The Spanish exam gave them a false hope that they could get licensed and when they did not we got some push back from growers that the exam was too hard. We also had to deal with more cheating as test takers became desperate and took whatever means necessary to get licensed. We saw this trend repeated once we translated the core and weed exams. There have been many times in the past couple of years that I have lamented that we ever went down this road in the first place.</p> <p>In terms of cost, I can't give you any information. We have bilingual staff who have done all this work for us including translating WSU manuals. We are lucky, too, because probably over 95% of the Spanish-speakers taking our exams come from Mexico. If you have Spanish-speakers from many different countries, the exams might not be as good for some depending on the version used. One problem we are facing is that most of our staff that administers exams does not speak Spanish. We get folks sent to exam sessions that speak little or no English, again not what was originally intended, so we often have communication issues. I have started making calls to employers to explain that the exams are not intended for folks that don't speak any English and also asking them if they think it is wise to be licensing folks that won't be able to talk with their customers.</p> <p>Cheating is a BIG problem now. Also, from a training perspective, WSU quit offering T&O weed and Core training — by having training, we presented an EXPECTATION folks would pass — they did not.</p> <p>WSDA does offer Spanish Private Applicator training with much more success</p>

Respondent	Spanish Exam Y/N	Core/Categories	Other Languages	Comments
WI	No	NA	No	One of the reasons is that the only official, "legal" labels are in English. The other reason is that there are other state-specific laws applicators must follow (e.g. recordkeeping, notice) that require being able to communicate in English. We also do not allow for supervised applications, so all commercial pesticide applicators must be fully certified and licensed.
WV	No	NA	No	Have not received any requests.
WY	No	NA	No	NA

NA = Not Applicable

[Revised January 29, 2013]