

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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## **Guidelines for Requesting a Reasonable Accommodation when Taking a Massachusetts Pesticide Exam**

The goal of the Department of Agricultural Resources (“Department”) is to ensure compliance with all applicable state and federal laws, including those pertaining to anti-discrimination and disability, including but not limited to, the Americans with Disabilities Act (ADA). To meet this objective, the Department works diligently to provide equal and fair treatment of all persons seeking to take any Massachusetts Pesticide Exam (“Exam”).

The ADA requires the Department to ensure that the licensing and certification process is accessible to anyone who could meet the essential eligibility requirements if given a reasonable accommodation(s) to take the Exam (qualified individuals with disabilities). The Department is the sole licensing authority for pesticide licenses and certifications in the Commonwealth under the authority granted to it through the Federal, Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), M.G.L. c. 132B, and the regulations promulgated thereunder at 333 CMR 2.00 through 14.00, et. seq. The essential eligibility requirements for pesticide licensure and certification are outlined in M.G.L. c. 132B, Section 10 and 333 CMR 10.00 (“Regulation”). The Regulation requires that competence in the use and handling of pesticides be determined through written examinations, and as appropriate, performance testing, based upon standards set forth in 333 CMR 10.04(1) through (3) and which are approved by the Department.

Individuals seeking to take an Exam with a reasonable accommodation must submit a request and provide documentation to the Department to support the request. After review and upon approval of a request, the Department may provide a reasonable accommodation for the Exam. In most cases, this would be the allowance of additional time via an untimed exam or an alternative written testing format to the online examination portal. Given the competency requirements required by state and federal law, the Department is not able to provide accommodations such as an exam reader or offer an unwritten, oral exam.

It is the Department’s objective to be consistent when requesting information and evaluating such requests for a reasonable accommodation. Such requests and documentation of disability must be submitted in advance of the desired exam date so that the Department is able to evaluate the submission and seek additional information as needed. Documentation must include that prepared by a medical or psychological professional or other qualified individual and meet the criteria as permitted by the ADA. The Department may request additional information for disability documentation if not provided with the initial request, thus delaying approval of the requested Exam accommodation and potentially delaying the date of examination by the applicant.

## **CRITERIA FOR DOCUMENTATION OF A DISABILITY FOR PURPOSES OF TAKING A MASSACHUSETTS PESTICIDE EXAM WITH A REASONABLE ACCOMODATION**

### **PROVIDE A SPECIFIC DIAGNOSIS OF THE DISABILITY**

A professionally recognized diagnosis for the particular category of disability is required as permitted by the ADA. For example, the Diagnostic and Statistical Manual of Mental Disorders—Fifth Edition (DSM-5) features diagnostic categories for learning disabilities. Such diagnosis should include the reason for the type of accommodation(s) requested and should be a recent as possible, preferably within the past five (5) years.

### **ESTABLISH THE PROFESSIONAL CREDENTIALS OF THE EVALUATOR**

The person providing the supporting documentation of disability should be qualified to make the particular diagnosis. This includes professional licenses or certification and should indicate specialization in the area of diagnosis. This information must be provided with the documentation submitted.

### **SUBMISSION OF REQUIRED DOCUMENTATION**

The disability documentation and request for an accommodation must be sent to the attention of Steven Antunes-Kenyon, Pesticide Operations Coordinator—as provided below. The request and the attached documentation must be submitted with the applicants contact information at least ten (10) -business days prior to the desired exam date.

#### **Via U.S. Mail**

Steven Antunes-Kenyon, Pesticide Operations Coordinator  
Department of Agricultural Resources  
251 Causeway ST; Suite 500  
Boston, MA 02114-2151

#### **Via Email**

[steve.kenyon2@mass.gov](mailto:steve.kenyon2@mass.gov)

The request and documentation will be reviewed for conformity with applicable state and federal statutes and regulations. Upon review, the Department will contact the applicant via phone or email with either approval, request for additional documentation, or denial of request based on failure to provide adequate documentation of disability.

### **SUBMISSION OF EXAM REGISTRATION APPLICATION**

After you have received approval for the untimed Exam, you must then submit the required Exam registration application and associated fee. All Exam registrations must be completed online.

**Page 1:** [Pesticide Examination and Licensing](#)

<https://www.mass.gov/pesticide-examination-and-licensing>

To start your online application please visit the below Pesticide Examination and Licensing webpage which provides links to the Pesticide Examination Information Bulletin but also you provides a [new link](#) for those seeking to start their Pesticide Examination and Licensing journey.

**Page 2:** [First time? Start here.](#)

<https://www.mass.gov/guides/applying-for-a-pesticide-exam-license-and-renewal-through-the-eplace-portal>

This [new page](#) provides specific assistance to those just starting their pesticide exam and license journey; especially, with respect to using the new EEA ePLACE Portal. In addition to the usual Examination and License Information Bulletin, there are specific guides on the site that will walk the applicant step-by-step when these seek to create a new ePLACE Portal Account, register for exams, apply for licenses, renew licenses, etc.

Anyone seeking to start their Exam and license journey or maintain their license and information in the EEA ePLACE Portal should bookmark this [page](#) as an important resource.