

The following sections of this article will be the focus of the discussion regarding exempting disinfectant users from the bulk storage & containment requirements and clarifying the scope of the article to address “liquid pesticide” (greater than 55 gallon containers) but not lesser container sizes.

TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

Proposed Rule
LSA Document #16-XXX

DIGEST

Adds 355 IAC 5-1-1.25 to include the definition of “antimicrobial pesticide”. Amends 355 IAC 5-1-6 to revise the definition of “liquid pesticide” to exempt from the scope of the rule end users of antimicrobial pesticides that store products for use in containers designed to hold more than fifty five (55) gallons of liquid. Effective 30 days after filing with the Publisher.

355 IAC 5-1-6

SECTION 1. 355 IAC 5-1-6 IS AMENDED TO READ AS FOLLOWS:

ARTICLE 5. STORAGE AND SECONDARY CONTAINMENT OF PESTICIDES

SECTION 1. 355 IAC 5-1-6 IS AMENDED TO READ AS FOLLOWS:

355 IAC 5-1-1.25 “Antimicrobial pesticide” defined

Authority: IC 15-16-4-52

Affected: IC 15-16-4-58; IC 15-16-4-67

Sec. 1-1.25. (a) As used in this article, “antimicrobial pesticide” means a pesticide that:

(1)(A) is intended to disinfect, sanitize, reduce, or mitigate growth or development of microbial organisms; or protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and (B) in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.

(b) The term does not include:

- (1) a wood preservative or antifouling paint product for which a claim of pesticidal activity other than or in addition to an activity described in paragraph (1) is made;
- (2) an agricultural fungicide product; or
- (3) an aquatic herbicide product.

355 IAC 5-1-6 “Liquid pesticide” defined

Authority: IC 15-16-4-52

Affected: IC 15-16-4-58; IC 15-16-4-67

Sec. 6. (a) As used in this article, “liquid pesticide” means pesticide in liquid form, including solutions, emulsions, suspensions, and slurries contained in an undivided quantity exceeding fifty-five (55) U.S. gallons.

(b) The term does not include an antimicrobial pesticide stored by a person that:

- (1) does not distribute or re-distribute the antimicrobial pesticide; and

(2) **is solely an end user of the antimicrobial pesticide.** (*State Chemist of the State of Indiana; 355 IAC 5-1-6; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1401, eff sixty (60) days after filing with secretary of state*)

355 IAC 5-1-8“Operational area” defined

Authority: IC 15-16-4-52

Affected: IC 15-16-4-58; IC 15-16-4-67

Sec. 8. As used in this article, “operational area” means an area or areas at a liquid pesticide storage facility where **liquid** pesticides are transferred, loaded, unloaded, mixed, repackaged, or where pesticides are cleaned or washed from containers, or application, storage, or transportation equipment.

355 IAC 5-1-11 “Secondary containment” defined

Authority: IC 15-16-4-52

Affected: IC 15-16-4-58; IC 15-16-4-67

Sec. 11. As used in this article, “secondary containment” means any structure, such as a dike, used to contain **liquid** pesticide discharges from storage containers and prevent run-off or leaching.