



Office of Indiana  
State Chemist



# SEA #216 Commercial Agricultural Applicators

Indiana Pesticide Review Board Meeting  
April 3, 2024

-Dave Scott-

# Overview of Today's Discussion

- 2023-2024 Legislative Changes
- Storage & Containment of Bulk Pesticides
- Direct Supervision of Noncertified Applicators Using RUPs
- Worker Protection Standard (WPS) & Direct Supervision Overlap
- Use of General Use Pesticides (GUPs) For Hire
- Application Record Keeping
- Restricted Use Pesticide(RUP) Dealer Record Keeping

# 2023-2024 Legislative Changes

- House Enrolled Act # 1623
  - Effective July 1, 2023
  - No GUP requirements more stringent than those imposed by EPA
  - Repeal some, if not all, state GUP requirements & rules
    - lacked specificity
    - created uncertainty
- Senate Enrolled Act # 216
  - Effective July 1, 2024
  - Clarified which state GUP requirements should remain
  - Moved most requirements from rule into law (General Assembly approval)
  - Replaced some state rules with less stringent federal rules
  - Placed legal requirements & restrictions on some OISC activities

# State Requirements Replaced by Federal Rules in Law

- Agricultural Pesticide Worker Protection Standard (WPS)
- Storage & Containment of Bulk Pesticides
- Direct Supervision of Noncertified Applicators Using RUPs

# Storage & Containment of Bulk Pesticides

- Previously in Indiana rule 355 IAC 5
- Bulk previously defined as greater than 55 gal. capacity container
- Previously applied to all bulk pesticides
- Previously both stationary bulk & portable minibulk required:
  - Secondary containment (dikes)
  - Operational pads (mix/load)
- Replaced by less stringent federal rule 40 CFR 165
- <https://www.epa.gov/sites/default/files/2015-05/documents/regulations-glance-table-7.pdf>

# Storage & Containment of Bulk Pesticides

- All previous requirements basically remain, EXCEPT...
- New dike & mix/load pad requirements apply to only:
  - Tanks capable of storing 500 gal. or greater (*refillable minibulks no longer included*)
  - 4,000 pounds or greater of dry storage
  - Agricultural pesticides (*non-agricultural pesticides no longer included*)
    - Refilling establishments (*refill minibulks & portable containers*)
    - Commercial applicator locations
    - Custom blender locations
- New requirements also include:
  - At least monthly inspection of dikes & pads
  - Initiate same day repairs of cracks, leaks, etc.
  - Keep records of inspections & repairs for 3 years
- 2024 OISC inspections to include:
  - Cleaning & pressure testing for portable refillable containers... [https://oisc.purdue.edu/pesticide/container\\_recycling.html](https://oisc.purdue.edu/pesticide/container_recycling.html)
  - Dike & pad inspection & maintenance records

# Direct Supervision of Noncertified Applicators Using RUPs

- Previously in Indiana rule 355 IAC 4-1, prohibiting direct supervision.
- Replaced by less stringent 40 CFR 171.201, allowing direct supervision
- Applies to RUP use only, not use of GUPs.
- Applies to both Private Applicators & Commercial Applicators.
- Supervisor's responsibility to ensure compliance by noncertified applicator.
- <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-C/section-171.201>

# “Use” of RUPs includes:

## IC 15-16-5-36“Use“

Sec. 36. As used in this chapter, "use" means an act of handling, releasing, or exposing individuals or the environment to a pesticide. The term includes the following:

- (1) Application or supervision of an application of a pesticide, including mixing or loading the pesticide.
- (2) Storage of pesticides and pesticide containers by the intended applicator of the pesticides.
- (3) Transportation of pesticides and pesticide containers by the intended applicator of the pesticides.
- (4) Disposal of pesticides and pesticide containers by the intended applicator of the pesticides.



# Direct Supervision of Noncertified Applicators Using RUPs

- Supervisor must ensure noncertified applicator:
  - Has been trained within last 12 months on WPS agricultural handler training
  - Has been trained within last 12 months on specific equipment use
  - Has continuous access to the label(s)
  - Has label required PPE & is wearing it correctly
  - Has product-specific & **site-specific use directions** for each application site
  - Has equipment that has been determined to be properly operating, daily
  - Has means for immediate communication with supervisor
  - Supervisor is physically present, if label requires it
  - Is aware of noncertified applicator training records

# Annual Training for Noncertified RUP Users

- Annual noncertified applicator training:
  - Federal Worker Protection Standard (WPS) ag handler training
  - <https://www.pesticideresources.org/wps-resources/worker-protection-standard-wps-for-pesticide-handlers/>
- Annual training records must include:
  - Trainee's printed name & signature
  - Date training provided
  - Name of the trainer (*certified applicator or trained trainer*)
  - Title or description of training (*see above*)

# Site-Specific Use Directions May Include (DRAFT):

- Mixing, loading, transferring
  - labels
  - fill sheets
- Application
  - Search for nearby sensitive fields or sites...<https://driftwatch.org/>
  - Search for ESA restrictions... <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>
  - Pesticide Use Limitation Areas (PULAs)
  - No spray restrictions
  - Mandatory buffers or setbacks
  - Mandatory conservation practices
  - Waterbody or well location restrictions
  - Sensitive neighbor agreements
  - Others????

# WPS & Direct Supervision Overlap

- Supervisor (RUP use)/ Employer (WPS products) must ensure:
  - training within last 12 months on ag WPS/supervision ag handler training
  - keeping the noncertified applicator WPS/supervision training records
  - training within last 12 months on specific equipment use
  - use equipment & PPE determined properly operating, daily
  - continuous access to the label(s)
  - label required PPE is available & is being worn correctly
  - product-specific & site-specific use directions for each application site
  - means for immediate communication with supervisor
  - certified supervisor is physically present, if label requires it
  - no one except trained & protected persons contacts pesticide(s)

# Use of General Use Pesticides (GUPs) For Hire

- Must be at least 18 years of age
- Must be a certified applicator or a registered technician (RT)
- Certified applicator must pass core + cat. (usually 1, 4, or 11)
- RT must complete at least one [https://oisc.purdue.edu/pesticide/training\\_rt\\_gups.html](https://oisc.purdue.edu/pesticide/training_rt_gups.html) :
  - [Core Exam](#)
  - In Person [Core Exam Training](#) (source: Purdue Pesticide Programs)
  - In Person [Registered Technician Training](#) (source: Purdue Pesticide Programs)
  - [E-Learning Core Training](#) (source: Purdue Pesticide Programs)
  - Worker Protection Standard (WPS) for Pesticide Handlers (English video)
  - Worker Protection Standard (WPS) for Pesticide Handlers (Spanish video)
- RT can start work immediately after training if:
  - Send email to OISC stating intent [pestlicense@groups.purdue.edu](mailto:pestlicense@groups.purdue.edu)
  - Submit application form & fee within 5 days
- No longer any supervision requirements for GUP use by RTs

# RUP Application Record Keeping

- No record keeping now required by law or rule for GUP applications
- Application record keeping still required for RUP applications, in law
- Records must be kept for 2 years from date of application
- No specific form or format required, paper or electronic are OK
- Records now require application start and stop times, in law
- Details available at [https://oisc.purdue.edu/pesticide/pdf/pesticide\\_recordkeeping\\_031224.pdf](https://oisc.purdue.edu/pesticide/pdf/pesticide_recordkeeping_031224.pdf)

# Restricted Use Pesticide(RUP) Dealer Record Keeping

- Annual RUP dealer registration still required for each location
- Records must still be kept for 2 years from date of sale
- Record keeping elements modified to comply with federal rule:
  - (1) Name of the certified applicator for whom the purchase or distribution is being made.
  - (2) Certification, license, or permit number of the certified applicator.
  - (3) Except for a certification from the state chemist, the state, tribe, or federal agency that issued the certification.**
  - (4) Certification, license, or permit expiration date of the certified applicator.
  - (5) Certification, license, or permit categories of the certified applicator.**
  - (6) Address of the certified applicator or application business that employs the certified applicator.
  - (7) Date of distribution.
  - (8) Brand name of the pesticide product.
  - (9) Environmental Protection Agency registration number of the pesticide product.
  - (10) Amount of pesticide product distributed.
  - (11) Any applicable emergency exemption or state special local need registration number.**
  - (12) Signature or verifiable confirmation of the person presenting the certification credentials, ordering, or taking delivery of the product.

# Summary

- RUP use now allows for direct supervision of noncertified applicators.
- Annual WPS ag handler & direct supervision training can be the same.
- Direct supervision for RUPs is now more detailed.
- RT training for GUP use has multiple options, but can be WPS training.
- No specific supervision requirements for RTs using GUPs.
- Bulk containment required for > 500 gal. ag refillers/applicators only.
- No more required record keeping for GUP applications, RUP only.
- RUP sales require a few extra record keeping elements.



# OISC Pesticide Home Page

<https://oisc.purdue.edu/pesticide/index.html>

## News:

- **NEW** - [The Scoop](#) - (Pesticide Section Newsletter) - Winter 2024 Edition (pdf, 181kb)
- **NEW** - [Applicator Training, Certification and Licensing Requirements Summary](#) (pdf, 303kb)
- **NEW** - [Direct Supervision of Noncertified Applicators Using Restricted Use Pesticides](#) (pdf, 321kb)
- **NEW** - [Pesticide Recordkeeping](#) (pdf, 345kb)
- **NEW** - [Bulk Storage & Containment Requirements Summary](#) (pdf, 280 kb)
- [Dicamba Herbicide Updates](#)

Comments

Questions

Discussion ?

Thank you !

Dave Scott

Pesticide Administrator

Office of Indiana State Chemist

[scottde@purdue.edu](mailto:scottde@purdue.edu)

765-494-1593