



**Office of Indiana
State Chemist**



SEA #216

Non-Ag Commercial Applicators

Indiana Pesticide Review Board Meeting
April 3, 2024

-Dave Scott-

Overview of Today's Discussion

- 2023-2024 Legislative Changes
- Direct Supervision of Noncertified Applicators Using RUPs
- Use of General Use Pesticides (GUPs) For Hire
- Application Record Keeping
- Use of Fertilizer Materials For Hire
- Commercial For Hire Lawn Posting & Customer Notification
- Commercial For Hire Pesticide Use for Termite Control
- Pesticide Use in Schools
- Pesticide Use on Golf Courses
- Pesticide Use for Community-Wide Mosquito Management

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

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:
 - *Pesticide Safety Training for Nonagricultural Applicators Using RUPs at Non-Ag Sites*
 - 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:
 - Pesticide Safety Training for Non-Certified Applicators Using Restricted Use Pesticides at Non-Agricultural Sites (English video)
 - Pesticide Safety Training for Non-Certified Applicators Using Restricted Use Pesticides at Non-Agricultural Sites (Spanish video)
- 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???

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. 2,3a,3b,5,6,7a,7b,7d,or 8.
- RT must complete at least one 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
 - Submit application form & fee within 5 days
- No longer any supervision requirements for GUP use by RTs.
- Applicators & RTs responsible for their own violations, unless evidence of business wrongdoing.

Application Record Keeping

- No record keeping required by law for GUP applications.
- Application record keeping still required for RUP applications.
- 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.
- Details available at https://oisc.purdue.edu/pesticide/pdf/pesticide_recordkeeping_031224.pdf

Use of Fertilizer Materials For Hire

- For hire application to lawns & landscapes requires:
 - Core + cat. 3b certification; or
 - Registered technician
- Cat. 3b license for hire no longer requires 2-day school or experience.
- Fertilizer + pesticide left on non-target sites is still off-label:
 - Sidewalks
 - Driveways
 - Streets
- Fertilizer left on non-target sites is still discouraged.

For Hire Lawn Posting & Customer Notification

- Posting or flagging in lawns following a for hire lawn pesticide application is no longer required by law or rule.
- Written notification to each for hire lawn customer of completed pesticide application details is no longer required by rule or law;
- BUT any label requirements to keep unprotected people and pets off treated areas for specified periods are still enforceable (both RUPs & GUPs).

For Hire Termite Control & Wood Infesting Pest Inspections

- Initial certification in Cat. 7b & Cat. 12 still requires completion of a practical hands-on training program.
- Less-than-label directed for hire termite control treatments still require written disclosure from the cat. 7b applicator to the customer.
- Record keeping for GUP termiticide applications is no longer required by law or rule.
- Advance notice to OISC of for hire preconstruction termite control treatments is no longer required by law or rule.

Pesticide Use in Schools

- In-house school employees no longer required to be certified to apply in or around schools.
- Commercial applicators no longer required to keep records of applications at schools.
- Pesticide use still prohibited in or immediately adjacent to schools when students present
 - except for immediate health pest threats.
- Pesticide storage requirements at schools are still specified.
- Schools must still maintain 48-hour advance pesticide notice registry.
- Advance notice must still include: applicator info., target pests, product ID & application areas.

Pesticide Use at Golf Courses

- In-house golf course employees are no longer required by law or rule to be certified to use GUPs at golf courses.
- Golf courses no longer required to keep GUP application records.
- In-house applicators must still be certified & keep records for use of RUPs.
- Applicators still required to prevent exposure to unprotected persons by ensuring compliance with any label-directed requirements to keep people out of treated areas until sprays have dried.

Pesticide Use for Community-Wide Mosquito Management

- In-house (not for hire) or government (public) employees are no longer required by law or rule to be certified to use GUPs for community-wide mosquito management.
- Applicators are no longer required by law or rule to keep GUP application records.
- In-house & government RUP applicators must still be certified & keep records.
- GUP or RUP use near or directly to waters of the state will still require compliance with the terms of the ***IDEM NPDES General Permit for Pesticides***.
 - https://oisc.purdue.edu/pesticide/pdf/npdes_general_permit_10-2021.pdf

Summary

- RUP use now allows for direct supervision of noncertified applicators.
- Direct supervision for RUPs is now more detailed...federal rule.
- Only GUP use for hire requires certification or registered technician.
- RT training for GUP use has multiple options.
- No specific supervision requirements for RTs using GUPs.
- No more required record keeping for GUP applications, RUP only.
- No more lawn posting or customer notification.
- No more advance notice for preconstruction termite control.
- GUP & RUP restrictions for use in schools still required.

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 !

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