



**Office of Indiana
State Chemist**



SEA #216

Regulatory Processes for OISC & IPRB

Indiana Pesticide Review Board Meeting
April 3, 2024

-Dave Scott-

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 & IPRB activities**

IPRB must:

- IC 15-16-4-45
 - Publish all meeting minutes & video recordings.
- IC 15-16-4-46
 - Change quorum from 9 to 10 voting members.
- IC 15-16-4-50 & IC 15-16-5-44
 - Reduce rule making authority from all pesticides to RUPs only.

OISC must:

- IC 15-16-4-65 & IC 15-16-4-69 & IC 15-16-5-66
 - Disclose findings of violation to alleged violator before assessing penalty or finalizing case.
- IC 15-16-4-55 & IC 15-16-5-69
 - Allow records custodian up to 10 days to produce records requested during inspection.
 - Have reasonable suspicion of violation to inspect or investigate conditions possibly resulting from pesticide use or misuse (tips & complaints).
- IC 15-16-4-62 & IC 15-16-5-61
 - Submit annual total receipts & expenses report, for all fees, to Governor, Legislative Council & Budget Committee.
- IC 15-16-4-69 & IC 15-16-5-66
 - Limit civil penalty assess. for multiple counts of repeated violation in same case to 5 counts.
 - Assess violations & penalties against individual, unless evidence of wrongdoing by business.

OISC must:

- IC 15-16-5-56
 - Allow RT 5 business days to submit app. form & fee, if email intentions to pestlicense@groups.purdue.edu
- IC 15-16-5-63
 - For federal enforcement primacy, have:
 - Adequate laws & rules
 - Adequate procedures
 - Annual records & reports to EPA
 - Cooperative agreement with EPA
 - Plan for certification of pesticide applicators
- IC 15-16-5-69
 - Have reasonable suspicion of violation to inspect or investigate complaints of injury to humans or property.
 - Not required to:
 - Observe use or application
 - Inspect equipment
 - Inspect or sample exposed property
 - Inspect storage or disposal
 - Sample production, distribution, transportation, storage, disposal, or use
 - Inspect or copy records of production , sale, distribution, purchase, use, storage, disposal.

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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