

## Regulatory Considerations for the Use of Aerial Drones for the Application of Pesticides

IC 15-16-5-54

Private applicator; certification

Sec. 54. (a) A private applicator may not be issued a permit to use a restricted use pesticide without first complying with the certification requirements, including passing an examination, determined by the state chemist necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons.

(b) Certification standards to determine a person's competency with respect to the use and handling of the pesticide or class of pesticides that the private applicator is to be certified to use must be relative to hazards as described in section 45 of this chapter. In determining these standards, the state chemist shall observe those standards for private applicator certification provided by the U.S. Environmental Protection Agency.

IC 15-16-5-45

Rules; categories and classifications for certification and licensure; certification of applicators

Sec. 45. (a) The state chemist shall adopt rules to establish categories and qualifications to certify and license persons to use pesticides and to make diagnostic inspections and reports for wood destroying pests under this chapter. Each category is subject to separate testing procedures and requirements. A person is not required to pay an additional license fee if the person desires to be licensed in more than one (1) of the license categories provided for by the state chemist under this section.

(b) The state chemist, in adopting rules under this section, shall establish standards for the certification of persons who use pesticides or who make diagnostic inspections and reports for wood destroying pests. The standards must relate to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by the individual's certification and must be relative to the hazards involved. In determining standards, the state chemist shall consider the characteristics of the pesticide formulation, including the acute dermal and inhalation toxicity, the persistence, mobility, and susceptibility to biological concentration, the use experience that may reflect an inherent misuse or an unexpected good safety record that does not always follow laboratory toxicological information, the relative hazards of patterns of use, including granular soil applications, ultra-low volume or dust aerial applications, or air blast sprayer applications, and the extent of the intended use. The state chemist shall observe the relevant regulations of Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).

(c) The state chemist may require a person certified under this chapter as a commercial applicator or a private applicator to renew the person's certification, under requirements and standards established by the state chemist, to assure that the person maintains a level of competence and ability to use pesticides safely and properly.

As added by P.L.2-2008, SEC.7.

### **355 IAC 4-1-3 Commercial applicators; categories of certification and licenses**

Authority: IC 15-16

Affected: IC 15-16-  
2; IC 15-16-5

(12) Category 11. Aerial application. **Certification in this category is required** for all individuals who apply pesticides by means of:

(A) fixed

wing;

(B)

rotary

wing;

(C) ultralight aircraft; or

(D) lighter-than-air aircraft.

### **Compared to:**

(1) Category 1. Agricultural pest management. This category includes individuals **using or supervising** the use of pesticides on noncrop agricultural lands such as pastures, or in production of agricultural crops, including, but not limited to, the following:

(A) Grains.

(B) Soybeans and

oil seed. (C)

Forage.

(D)

Vegetab

les. (E)

Fruits.

(F) Nuts.

### **355 IAC 4-1-4 Private applicators; certification requirements**

Authority: IC 15-16-5-44; IC 15-16-5-45

Affected: IC 15-16-4-51; IC 15-16-5

Sec. 4. (a) Initial certification as a private applicator (IC 15-16-4-51) shall require an individual to pass the same written closed book exams as those described for commercial applicators in section 2.1 of this rule, except that the state chemist shall determine which commercial applicator examination will be considered appropriate for the private applicator's proposed use of pesticides.

(b) Certification and the permit for private applicators shall remain valid from the date of passing the examination and paying the permit fee through December 31 of the fourth year following the year during which the examination was passed. (*State Chemist of the State of Indiana; 355 IAC 4-1-4; filed Nov 21, 1984, 3:33 p.m.: 8 IR 334; filed Nov 22, 1999, 3:39 p.m.: 23 IR 780; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Jan 30, 2007, 9:49 a.m.: 20070228-IR-355060063FRA; readopted filed Sep 20, 2007, 1:46 p.m.: 20071010-IR-355070484RFA; filed Nov 28, 2012, 2:42 p.m.: 20121226-IR-355120517FRA; readopted filed Sep 25, 2013, 11:08 a.m.: 20131023-IR-355130361RFA*)