



## INDIANA PESTICIDE REVIEW BOARD

DOCKET NUMBER: EPA-HQ-OPP-2011-0183; FRL-9931-83

SUBJECT: Pesticides; Certification of Pesticide Applicator; Proposed Rule

SUBMITTED BY: Ronald A. Hellenthal, Ph.D., Indiana Pesticide Review Board,  
Chairman, on behalf of the Board Membership.

SUBMITTER CONTACT INFORMATION: Department of Biological Sciences,  
University of Notre Dame, 323 Galvin Life Science, Notre Dame, IN 46556.  
Email: [Ronald.a.hellenthal.1@nd.edu](mailto:Ronald.a.hellenthal.1@nd.edu), Office Phone: (574) 631-7255.

DATE: January 21, 2016

The following comments were voiced by members of the Indiana Pesticide Review Board (IPRB) at their most recent quarterly meeting held on January 14, 2016. The Indiana Pesticide Review Board is an approximately twenty-member board created by law to develop pesticide policy and regulations for the State of Indiana and to serve in the formal appeal process for those who might be aggrieved of enforcement actions by the State Chemist. Board members are appointed by the Governor to serve four-year terms. Board members include scientists, commercial applicators, farmers, state agency representatives, an environmental organization representative and a representative of the general public. The membership of the current Board is available online at [http://www.oisc.purdue.edu/pesticide/iprb\\_board.html](http://www.oisc.purdue.edu/pesticide/iprb_board.html).

Based on consideration and open discussion of the Proposed Rule on the Certification of Pesticide Applicators as well as review of the written comments on the proposed rule submitted by the Office of the Indiana State Chemist (OISC), we strongly agree with and support the comments and concerns expressed by the OISC and believe, to the extent that this revised policy would require major changes in the current Indiana administrative law on Certification of Pesticide Applicators (355 IAC 4), that the proposed changes not only would not be more protective of human safety and environmental health, but would add unnecessary and cumbersome requirements that could significantly weaken the protections currently afforded by Indiana's existing regulations.

Indiana's current regulations on the certification of pesticide applicators were developed over a period of more than a decade through the efforts and involvement of the IPRB, OISC and the regulated user community and are supported by the education and outreach efforts of Purdue Pesticide Programs, part of the Purdue University Cooperative Extension Service. Indiana's certification program has been tailored to specific needs within the state. Furthermore, Indiana's Applicator Certification program has been applied to both Restricted Use and General Use pesticides, which makes it considerably more comprehensive than the proposed EPA rule. The certification categories and the development of training and testing materials to support them have been closely

coordinated, extensively researched, well-tested, and generally are supported by the regulated user community. Imposed arbitrary changes for the sake of national consistency will drain resources from more productive efforts of pesticide regulation and enforcement within the state without providing additional protection or benefits. This also applies to insisting on equal Continuing Education Units (CEUs) across categories. The number of CEUs for recertification in each category should reflect the specific training required for that category based on careful evaluation of local use and needs as well as possible environmental and human health hazards, as was done in developing the requirements for Indiana.

In the past Indiana had a 3-year certification period, but lengthened the period from 3 to 5 years and found that 5-year recertification significantly reduced administrative costs without sacrificing the efficacy of the training and testing program. Based on our experience, reverting to a 3-year certification cycle will drain resources from other essential activities and add unnecessary complexity and record keeping to the process without providing tangible benefit.

We believe the 2-year time period suggested for implementation of the proposed changes is unrealistic given the requirements for modifying administrative law in Indiana, which include the following: Post notice of intent to adopt a rule; Receive state budget agency approval; Formulate and approve draft rule by the IPRB; Post draft rule; Post small business economic impact statement; Post cost benefit analysis; Post fiscal impact analysis on state and local government; Post notice of public hearing; Post e-mail address for submitting comments; Open web page with public comments for viewing; Receive and post IEDC (Indiana Economic Development Corporation) response; Hold public hearing; Open comments submission; Submit final packet to Attorney General; Attorney General approves and submits to Governor; and Publication of final rule. If the entire process cannot be completed within 12 months, it must start over from the beginning. Even relatively minor and non-controversial proposed rule changes may have difficulty with this time table. With the major changes proposed here, which may be met with considerable resistance and require substantial explanation and discussion, the process of adoption within the state is likely to be very lengthy.

In summary, we feel that the Office of the Indiana State Chemist has provided meaningful and thoughtful comments on the proposed changes in the proposed rule on the Certification of Pesticide Applicators that we hope will be seriously considered by the Agency. We feel that Indiana has one of the best, most effective, and most comprehensive state programs in the country. We are very concerned that, in the EPA's effort to update and standardize pesticide certification, Indiana's program may be rendered less effective. We ask that Indiana's existing rules on the Certification of Pesticide Applicators be allowed to continue with as little modification as possible.