



**Office of Indiana
State Chemist**



Federal Certification Rule Update Indiana Pesticide Review Board

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Need to Revise State C & T Rules

- Revised EPA C&T regulations...March 6, 2017
 - State Plan must be submitted by March 6, 2020
- State requirements must meet or exceed federal standards
- State will need to decide whether to:
 - Adopt all federal regulations as state requirement by reference
 - *very messy from a compliance & enforcement perspective* OR
 - Revise state rules to meet or exceed federal regulations
 - *allows for customization to fit most existing state requirements*

Topics to cover:

40 CFR 171.1 – 40 CFR 171.3

- **Age Limits**
 - **Commercial Applicators**
 - **Private Applicators**
- **Supervision**
 - **Restricted Use Pesticides (RUP)**
- **Restricted Use Pesticide Record Keeping**
 - **Sales**
 - **Use**
- **Rules to consider revising or deleting**

Age Requirements

- **Applicable to commercial applicators (all commercial categories).**
- **Applicable to private applicators (farmers).**

Age Requirements

- **New Federal rule requires states can only certify individual over the age of 18.**
 - **Certification is achieved by passing the exams.**
 - **Adding an age to requirement to Exam Process (355 IAC 4-1-2.1) would meet the federal standard**

Options for Indiana include:

1. Create a two tiered system:

- Use of RUPs-Certification required.
 - Anyone using any RUP anywhere
- Use of GUPs
 - Commercial for-hire
 - Schools (Public Applicator)
 - Community-wide mosquito control (Public Applicator)
 - Golf course (Not For Hire)

OR

2. Extend new federal requirements to **all** applicators, private and commercial, RUP & GUP.

Supervision (RUP)

New Federal Requirements

- **Extensive yearly training for non-certified applicators**
- **Record keeping of the training**
- **Training must be conducted by fully certified applicator or trainer who has completed a train the trainer course.**
- **Fully certified applicator must inspect each piece of equipment prior to use (daily).***

State Supervision Revision Adjustments (RUP) Under Consideration

- **Require RUP use be conducted only by fully certified applicators or RT's with continuous physical presence of the CA on site.**
- **Currently supervision requirements exist in five different state rules.**
- **No substantive additions for General Use Pesticide (GUP) applications. Only simplification and consolidation.**
 - **Relax some requirements for commercial GUP use**

Advantages & disadvantages

- **Two tiered:**
 - RUP use by certified applicators only
 - Focuses on more hazardous pesticides
 - Consistent with recent EPA labeling for dicamba & paraquat & fumigants
 - No onerous training required (for the non-certified person)
 - No supervision, employee training, employee record keeping, daily equipment inspection by supervisor
 - Flexibility to relax GUP supervision, if desired

Advantages & disadvantages

- One size fits all:
 - No distinction based on product hazard
 - Current singular IN regulatory system developed 40 years ago when it was anticipated that most commercially used pesticides would eventually be classified as RUP by EPA...that has not occurred....however.....
 - More annual employee training & record keeping
 - Strict supervision requirements, GUP or RUP, supervision violations?
 - Differing supervision requirements product by product (dicamba, soil fumigants, paraquat), regardless of state rules

Advantages

- **Potential relaxing of supervision requirements for GUP users**
 - **Remove requirement for Site Assessment Fact Sheet for registered technicians (RT).**
 - **Remove RT limit (10) for any one fully certified supervisor.**
 - **Allow RT to contact any fully certified responsible applicator**

CURRENT RUP USES

- **Agriculture**
 - **Numerous herbicides and insecticides**
 - **Some already require certification**
 - **Dicamba**
 - **Gramoxone**

CURRENT RUP USES

- **Aquatic**
 - One piscicide (rotenone)

- **Right of Way**
 - One herbicide (Picloram)

- **Green Industry**
 - Golf course insecticide (Tempo GC)
 - Tree Injection (Tree-age-RUP) (Tree-Age G₄-GUP)

CURRENT RUP USES

- **Structural Pest Management**
 - Avitrol-(avicide)
 - ZP tracking powder (rodenticide)
- **Fumigation**
 - All fumigants, certification is already required of all users
- **Mosquito**
 - No RUP used in Indiana

CURRENT USE RECORD REQUIREMENTS

- **Use record requirements exist:**
 - **RUP Commercial Use**
 - **RUP Private Applicator Use**
 - **Golf Course (GUP and RUP)**
 - **Schools (GUP and RUP)**
 - **Termiticide**
 - **Dicamba use (more requirements than standard RUP's)**

STATE USE RECORDS

Under Consideration

- **Addition of elements that exist on some labels now**
 - **Weather (wind speed and direction)***
 - **Start and stop time***
 - **Diagram**
 - **Termiticide**

- ***exists on labels now or is now EPA required**

STATE USE RECORDS

Under Consideration

Recordkeeping for all applications by licensee.

- currently required for schools**
- currently required for golf courses**
- currently required for termite applications**

Dealer Records

New Federal Requirements

Date of license expiration

Categories of certification

***Currently have dealer records in two separate state rules**

Challenges to Implementation

- **Lack of timely response from USEPA**
 - EPA Office of General Counsel interpretations
- **Current regulatory climate**
 - **Difficulty moving through the state rule adoption process**
- **Updating exams, manuals and other support materials to reflect rule changes.**