



**Office of Indiana
State Chemist**



Federal Certification Rule Update Indiana Proposed Rule Changes

Need to Revise State C & T Rules

Revised EPA C&T regulations...March 6, 2017

- State Plan was submitted prior March 6, 2020
- Waiting to hear back from regional EPA contract

State requirements must meet or exceed federal standards

Proposing a revision to all impacted state rules to meet federal regulations

Plus, proposing updates to make all existing rules consistent with current needs, trends and technologies

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 proposed for revision or deletion**

Age Requirements

- **New Federal rule requires states can only certify individual over the age of 18.**
 - **Certification is achieved by passing the exams.**
 - **Legislation was passed in 2020 that prohibits any person under 18 from taking an exam.**

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 Proposal (RUP)

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

Advantages of Two Tiered Proposed Revisions

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

Disadvantages of: “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 repetitive 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 of Two Tiered Proposal

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

Advantages of Two Tiered Proposal

- **Training (without exam) option to become a Registered Technician**
 - **A Purdue Pesticide Program RT training event in place of Pesticide Core Exam**
 - **Exam option still exists and would be mandatory in order to become fully certified**

CURRENT RUP USERS

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

CURRENT RUP USERS

- **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 USERS

- **Structural Pest Management**
 - Avitrol-(avicide)
 - ZP tracking powder (rodenticide)
- **Fumigation**
 - All fumigants, certification is already required of all users
- **Mosquito**
 - One aduaticide which is applied aerially

CURRENT APPLICATION RECORD REQUIREMENTS

- **Current application record requirements :**
 - **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 APPLICATION RECORDS Proposal

- **Addition of elements that exist on some labels now**
 - **Weather (wind speed and direction)***
 - **Start and stop time***
- ***exists on labels now or is now EPA required**

STATE APPLICATION RECORDS

Proposed

- **Recordkeeping for all applications by licensee.**
- **currently required for schools**
- **currently required for golf courses**
- **currently required for termite applications**

RUP Dealer Records

New Federal Requirements

- **Date of license expiration**
- **Categories of certification**
- ***Currently have dealer records in two separate state rules**

Questions?

