



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed

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REVISIONS TO INDIANA PESTICIDE REGULATIONS

1. Background

As you may already be aware, Indiana has recently made several changes to the state pesticide regulations. The Office of the Indiana State Chemist (OISC) and the Indiana Pesticide Review Board (IPRB) have been working with stakeholders and regulated industries since 2018 to identify needed rule changes and to gather input on how best to structure those changes. Formal and informal outreach to stakeholders on the details of the proposed rule revisions has been occurring since 2021.

2. What Prompted the Rule Revisions?

On March 6, 2017, the U.S. EPA adopted federal rules (40 CFR 171) to revise requirements for certified applicators using Restricted Use Pesticides (RUPs). Those rules included provisions to

- 1) elevate the standards for applicator certification,
- 2) create prescriptive and detailed requirements for supervision of noncertified applicators, and
- 3) expand the RUP record keeping requirements for applicators and dealers.

Under the federal rule, states are required to adopt regulatory requirements that are significantly comparable to the federal rule.

3. What Regulatory Requirements Have Been Revised?

a. Applicator Certification:

Under the revised rules, only fully certified applicators will be allowed to use RUPs. Supervision of noncertified applicators or registered technicians (RTs) using RUPs will no longer be allowed. This new restriction will apply to both private applicators (farmers) and commercial applicators. The standards to become certified will remain unchanged

https://oisc.purdue.edu/pesticide/exam_dates_and_sign_up.html.

b. Supervision of General Use Pesticide (GUP) Applicators:

Commercial applicators using GUPs will still be required to be fully certified. And those commercial applicators can still supervise noncertified GUP applicators, largely as they have in the past. Commercial applicators supervising for-hire GUP applications may do so by either being physically present at the work site or by ensuring the noncertified applicator is a registered technician (RT).

Under the revised rules, there are now three options to become an RT, including:

- 1) pass the Core exam;
- 2) attend a full-day Core training with no exam; or
- 3) attend a half-day RT training with no exam. All trainings are provided by Purdue Pesticide Programs https://oisc.purdue.edu/pesticide/training_sessions.html.

All GUP commercial applicator supervision still requires direct voice or text communication, paper or e-labels, label-required PPE/equipment/training, and supervisor(s) affiliated with the same business. However, there is no longer a limit on the number of RTs that can be supervised, no need to designate a specific supervisor within the business, and no need to provide RTs with site-specific “fact sheets.”

c. Record Keeping for Applicators and RUP Dealers:

As previously required, all applicators (both private and commercial) using RUPs and all commercial applicators using any pesticide (both RUPs and GUPs) at schools or golf courses or for termite control must keep records of those applications for at least two years. The required record keeping items have remained largely unchanged, with the notable addition of a start and stop time for each application.

Also, as previously required, all RUP dealers selling or distributing RUPs must keep distribution records for at least two years. Several record keeping items have been added including the agency that issued the applicator’s certification (if not OISC), the applicator’s certification category, any state registration number for a state special local need or emergency exemption product, and a signature or confirmation documentation for the person ordering or receiving the product. A summary of the record keeping requirements for applicators and dealers is available at <https://oisc.purdue.edu/pesticide/index.html>.

4. When Do the New Requirements Become Effective?

The effective date of the new rule is January 4, 2023. However, as has been the custom with most new rules, OISC will utilize 2023 as a period to gain voluntary and orderly compliance with the new requirements through additional industry outreach and compliance assistance. The new standards will not be enforced against individuals already compliant with the 2022 requirements until January 1, 2024. This will allow adequate lead time for implementation of the new rule.

Helpful Links:

- Applicator Certification: https://oisc.purdue.edu/pesticide/exam_dates_and_sign_up.html
- Training Programs https://oisc.purdue.edu/pesticide/training_sessions.html
- Record Keeping Requirements: <https://oisc.purdue.edu/pesticide/index.html>
- 355 IAC 4 Updated Rule Text: https://oisc.purdue.edu/oisc_rules_regs_laws.html