



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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**Direct Supervision of Noncertified Applicators
Using Restricted Use Pesticides**

Effective July 1, 2024, the Indiana General Assembly adopted Senate Enrolled Act No. 216 to amend and clarify direct supervision requirements for noncertified applicators using Restricted Use Pesticides (RUPs). SEA #216 adopted the federal requirements for direct supervision in 40 CFR 171.201 <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-C/section-171.201>. Following is a summary of the new requirements.

1. Use of a Restricted Use Pesticide (RUP)

- a. Any individual that uses any RUP for any purpose or on any property must be:
 - i. at least 18 years of age; and
 - ii. a certified and licensed applicator; or
 - iii. operating under the direct supervision (see #2 below) of a certified and licensed applicator employed by the business, organization, or farm operation.
- b. To qualify as a commercial certified applicator, an individual must pass a written:
 - i. core exam; and
 - ii. category-specific exam
- c. To qualify as a private applicator (uses a RUP on property personally owned or controlled for producing an agricultural commodity), an individual must pass a written core exam but must also pass a category specific exam to use fumigants (category 7D) or to apply aurally by plane, helicopter, or drone (category 11).

2. Direct Supervision of a Noncertified Individual Using a Restricted Use Pesticide (RUP)

- a. The certified and licensed supervisor shall be legally responsible for all requirements and activities by the noncertified applicator.
- b. The noncertified individual must complete one of the following mandatory training options annually, listed at https://oisc.purdue.edu/pesticide/training_nca_rups.html.
- c. The certified and licensed supervisor must keep records for two years for the training in item 2b above, that includes the following:
 - i. Noncertified individual's name and signature.
 - ii. Date of the training.
 - iii. Name of the trainer.
 - iv. Title of specific annual training, i.e.
 1. WPS Pesticide Handler Training.
 2. Pesticide Safety Training for Non-Certified Applicators Using RUPs.
- d. The certified and licensed supervisor must ensure the following for the noncertified individual:
 - i. Access to product labeling at all times during use.
 - ii. Personal protective equipment is available, clean, and is being worn correctly.
 - iii. Understandable site-specific instructions covering precise location, precautions, use directions, and potential adverse effects.
 - iv. Daily proper operation verification of all mixing, loading, transferring, and application equipment.
 - v. Means of immediate communication between the noncertified applicator and the certified and licensed supervisor.
- vi. Physical presence of certified and licensed supervisor at the work site, if required by label.