



**Office of Indiana
State Chemist**



Deregulation Legislation

August 21, 2024

-Leo Reed-

2023-2024 Legislative Changes

- **House Enrolled Act # 1623**
 - **Effective July 1, 2023**
 - **No GUP requirements more stringent than those imposed by EPA**
 - **Repeal some, if not all, state GUP requirements & rules**
 - **lacked specificity**
 - **created uncertainty**
- **Senate Enrolled Act # 216**
 - **Effective July 1, 2024**
 - **Clarified which state GUP requirements should remain**
 - **Moved most requirements from rule into law (General Assembly approval)**
 - **Replaced some state rules with less stringent federal rules**
 - **Placed legal requirements & restrictions on some OISC activities**

State
Requirements
Replaced by
Federal Rules in
Law

Agricultural Pesticide Worker
Protection Standard (WPS)

Storage & Containment of Bulk
Pesticides

Direct Supervision of Noncertified
Applicators Using RUPs

Direct Supervision of Noncertified Applicators Using RUPs

- Previously in Indiana rule 355 IAC 4-1, prohibiting direct supervision.
- Replaced by less stringent 40 CFR 171.201, allowing direct supervision
- Applies to **RUP use only**, not use of GUPs.
- Applies to both Private Applicators & Commercial Applicators.
- **Supervisor's responsibility to ensure compliance by noncertified applicator.**
- <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-C/section-171.201>

Direct Supervision of Noncertified Applicators Using RUPs

- Supervisor must ensure noncertified applicator:
 - Has been trained within last 12 months on WPS agricultural handler training
 - Has been trained within last 12 months on specific equipment use
 - Has continuous access to the label(s)
 - Has label required PPE & is wearing it correctly
 - Has product-specific & **site-specific use directions** for each application site
 - Has equipment that has been determined to be properly operating, daily
 - Has means for immediate communication with supervisor
 - Supervisor is physically present, if label requires it
 - Is aware of noncertified applicator training records

Site-Specific Use Directions Could Include:

- **Search results for nearby sensitive fields or sites:**
 - **Field Watch**
 - **Drift Watch**
 - **Bee Check**
- **Search results for End. Species Act restrictions (*Bulletins Live Two*)**
 - **Pesticide Use Limitation Areas (PULAs)**
 - **No spray restrictions**
 - **Mandatory buffers**
 - **Mandatory conservation practices**
- **Waterbody or well location restrictions**
- **Sensitive neighbor agreements**

Annual Training for Noncertified RUP Users

- **Annual noncertified applicator training:**
 - Federal Worker Protection Standard (WPS) ag handler training
 - <https://www.pesticideresources.org/wps-resources/worker-protection-standard-wps-for-pesticide-handlers/>
- Annual training records must include:
 - Trainee's printed name & signature
 - Date training provided
 - Name of the trainer (*certified applicator or trained trainer*)
 - Title or description of training (*see above*)

**Certification/
Licensure NO
LONGER
REQUIRED**

- **General Use Pesticides**

School Employees on school property

Golf Course Employees on golf course property

**Cities/Towns/Municipalities
community wide mosquito control**

Registered Technician Requirements

- **General Use Pesticides ONLY**
2020-MUST take Core Exam

**2021-Can take Core exam OR
attend 3 hour in person training**

**Supervision requirements for the
fully certified supervisor**

Registered Technician Requirements

- **General Use Pesticides ONLY**
2023- 1623 enacted and ???

2024-Can take Core exam OR
attend 3 hour in person training,
**added the option of watching one
of 4 videos (unverifiable)**

NO Supervision requirements for
the fully certified supervisor

Questions?

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