

---

TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

Proposed Rule  
LSA Document #09-63

DIGEST

Adds [355 IAC 4-7](#) to establish the requirements and procedures for renewal of commercial applicator certification, private applicator certification, and technician registration to use pesticides. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[355 IAC 4-7](#)

SECTION 1. [355 IAC 4-7](#) IS ADDED TO READ AS FOLLOWS:

**Rule 7. Renewal of Applicator Certification and Technician Registration**

[355 IAC 4-7-1](#) Definitions

Authority: [IC 15-16-5](#)

Affected: [IC 15-16-5](#)

Sec. 1. The following definitions apply throughout this rule:

- (1) "Categories" means the commercial applicator certification categories established in [355 IAC 4-1-3](#).
- (2) "CCH" means a continuing certification hour for commercial applicators or registered technicians. One (1) CCH is equivalent to one (1) hour of pesticide-related instruction or training that has been evaluated and approved by the state chemist.
- (3) "Certification" means the status achieved by an individual who has demonstrated minimal competency to use pesticides, as established in [355 IAC 4-0.5-1.5](#).
- (4) "In-house training" means training or instruction that is designed specifically for a company's own employees.
- (5) "PARP" means a private applicator recertification program of pesticide related instruction or training that has been evaluated and approved by the state chemist.
- (6) "Person" means any:
  - (A) individual;
  - (B) partnership;
  - (C) association;
  - (D) fiduciary;
  - (E) corporation; or
  - (F) organized group of persons whether incorporated or not.
- (7) "State chemist" means the Indiana state chemist or the state chemist's authorized agent.
- (8) "Technician registration" means the status achieved by an individual who has demonstrated minimal competency to use pesticides under the direct supervision of a certified applicator, as established in [355 IAC 4-2-8](#).

(State Chemist of the State of Indiana; [355 IAC 4-7-1](#))

[355 IAC 4-7-2](#) Commercial applicators; certification renewal standards

Authority: [IC 15-16-5](#)

Affected: [IC 15-16-5](#)

Sec. 2. (a) Certification renewal of commercial applicators shall be accomplished by the applicator completing one (1) of the following:

- (1) The written examination procedures for initial certification established in [355 IAC 4-1-2.1](#).
- (2) Accumulating the minimum number of CCHs listed in the table in subsection (b) before the

expiration of the applicator's certification period for that category.

(b) The minimum number of CCHs required for renewal of each category is as follows:

Category 1	20 CCHs
Category 2	10 CCHs
Category 3a	15 CCHs
Category 3b	20 CCHs
Category 4	10 CCHs
Category 5	15 CCHs
Category 6	15 CCHs
Category 7a	20 CCHs
Category 7b	15 CCHs
Category 7d	20 CCHs
Category 8	15 CCHs
Category 11	20 CCHs
Category 12	10 CCHs
Category 13	10 CCHs

(c) A commercial applicator can accumulate CCHs only in the categories in which the applicator is certified at the time of participating in the training.

(d) A commercial applicator can accumulate a maximum of one-half (1/2) of the number of CCHs required in subsection (b) at any one (1) training program.

(e) CCHs accumulated by a commercial applicator in excess of the number of CCHs required in subsection (b) shall not be carried forward to the next certification period.

(f) Renewed certification shall remain in force through December 31 of the fifth year following renewal unless revoked or suspended prior to that date.

(State Chemist of the State of Indiana; [355 IAC 4-7-2](#))

### **[355 IAC 4-7-3](#) Registered technicians; registration renewal standards**

Authority: [IC 15-16-5](#)

Affected: [IC 15-16-5](#)

**Sec. 3. (a)** Registration renewal of registered technicians shall be accomplished by the technician completing one (1) of the following:

- (1) The written examination procedures for initial registration established in [355 IAC 4-2-8\(a\)\(1\)](#).
- (2) Accumulating at least eight (8) CCHs before the expiration of the technician's registration period.

(b) A registered technician can accumulate CCHs designated for any category.

(c) A registered technician can accumulate a maximum of four (4) CCHs at any one (1) training program.

(d) CCHs accumulated by a registered technician in excess of eight (8) shall not be carried forward to the next registration period.

(e) Renewed registration shall remain in force through December 31 of the fifth year following renewal unless revoked or suspended prior to that date.

**[355 IAC 4-7-4](#) Criteria and procedures for approving CCHs**

Authority: [IC 15-16-5](#)

Affected: [IC 15-16-5](#)

**Sec. 4. (a) The state chemist shall be responsible for evaluating all instruction and training opportunities submitted for consideration of approval for CCHs.**

**(b) Training and instruction may be evaluated and approved for CCHs in more than one (1) certification category.**

**(c) Except as provided in subsection (e), all requests for CCH approval must be submitted to the state chemist as follows:**

- (1) At least twenty-one (21) days prior to the date that the instruction or training event will occur.**
- (2) In a format determined by the state chemist.**
- (3) By an individual directly responsible for the instruction or training event.**

**(d) Criteria to be followed by the state chemist for the evaluation of instruction and training events for CCH approval shall include, but may not be limited to, the following:**

- (1) Must be open to all certified applicators and registered technicians.**
- (2) Except as provided in subdivision (3), any costs or participation fees to cover expenses incurred by the training providers must be the same for all certified applicators and registered technicians.**
- (3) Professional educational organizations claiming Internal Revenue Service 501(c) status and governmental organizations may charge variable participation fees.**
- (4) Must not be in-house training.**
- (5) The venue must be large enough to accommodate a reasonable number of certified applicators or registered technicians from outside of the immediate organization facilitating the instruction or training.**
- (6) Must be open without fee or charge to the state chemist for monitoring.**
- (7) Must have an effective mechanism for the person responsible for the training to verify participation of the certified applicator or registered technician from the start to the conclusion of the CCH event.**
- (8) Subject matter and content must include, but may not be limited to, at least one (1) of the following:**
  - (A) Pest identification.**
  - (B) Pest biology.**
  - (C) Pesticide chemistry.**
  - (D) Pesticide equipment calibration and maintenance.**
  - (E) Pesticide use.**
  - (F) Pest management by cultural, mechanical, or other nonpesticide means, including, but not limited to, the following:**
    - (i) Sanitation.**
    - (ii) Exclusion.**
    - (iii) Fertilization.**
    - (iv) Irrigation.**
    - (v) Soil compaction.**
    - (vi) Pest monitoring.**
  - (G) Pesticide label interpretation.**
  - (H) Pesticide label safety measures.**
  - (I) Public and customer safety.**
  - (J) Consumer and customer complaints.**
  - (K) Applicator safety.**
  - (L) Environmental safety.**
  - (M) Associated state and federal laws or regulations affecting pesticides or pesticide users.**
- (9) Subject matter and content may not include any of the following:**
  - (A) Product or service sales or promotions.**
  - (B) Employee hiring or retention.**

**(C) General business practices.**

**(e) Requests for CCH approval in category 13 must be submitted to the state chemist as follows:**

- (1) Within two (2) weeks from the end date that the training event occurred.**
- (2) In a format determined by the state chemist.**
- (3) By the category 13 certified applicator requesting personal CCHs.**
- (4) With evidence of a mechanism by an independent source to verify participation by the certified applicator.**

*(State Chemist of the State of Indiana; [355 IAC 4-7-4](#))*

**[355 IAC 4-7-5](#) Private applicators; certification renewal standards**

**Authority:** [IC 15-16-5](#)

**Affected:** [IC 15-16-5](#)

**Sec. 5. (a) Certification renewal of private applicators shall be accomplished by the applicator completing one (1) of the following:**

- (1) The written examination procedures for initial certification established in [355 IAC 4-1-4](#).**
- (2) Attending at least three (3) PARPs before the expiration of the applicator's certification period.**

**(b) A private applicator can accumulate a maximum of two (2) PARP credits in any one (1) year of the applicator's five (5) year certification period.**

**(c) Credit for attendance at PARPs by a private applicator in excess of the minimum three (3) required shall not be carried forward to the next certification period.**

**(d) Renewed certification shall remain in force through December 31 of the fifth year following renewal unless revoked or suspended prior to that date.**

*(State Chemist of the State of Indiana; [355 IAC 4-7-5](#))*

**[355 IAC 4-7-6](#) Criteria and procedures for approving PARPs**

**Authority:** [IC 15-16-5](#)

**Affected:** [IC 15-16-5](#)

**Sec. 6. (a) The state chemist shall be responsible for evaluating all training or instruction opportunities submitted for consideration of approval as a PARP.**

**(b) All requests for PARP approval must be submitted to the state chemist as follows:**

- (1) In a format determined by the state chemist.**
- (2) By a county extension educator with the Purdue cooperative extension service.**

**(c) Criteria to be followed by the state chemist for the evaluation of training and instruction for PARP approval shall include, but may not be limited to, the following:**

- (1) Must be open to all private applicators.**
- (2) Except as provided in subdivision (3), any costs or registration fees must be the same for all private applicators.**
- (3) Must be open without fee or charge to the state chemist for monitoring.**
- (4) Must have an effective mechanism for the county extension educator responsible for the training to verify participation of the private applicator from the start to the conclusion of the PARP event.**
- (5) Must include at least two (2) hours of pesticide related material.**
- (6) Must include at least one (1) state chemist approved regulatory topic.**
- (7) Subject matter and content must include, but may not be limited to, at least one (1) of the following:**
  - (A) Pest identification.**

- (B) Pest biology.
- (C) Pesticide chemistry.
- (D) Pesticide equipment calibration and maintenance.
- (E) Pesticide use.
- (F) Pest management by cultural, mechanical, or other nonpesticide means including, but not limited to, the following:
  - (i) Sanitation.
  - (ii) Exclusion.
  - (iii) Fertilization.
  - (iv) Irrigation.
  - (v) Soil compaction.
  - (vi) Pest monitoring.
- (G) Pesticide label interpretation.
- (H) Pesticide label safety measures.
- (I) Public and customer safety.
- (J) Consumer and neighbor complaints.
- (K) Applicator safety.
- (L) Environmental safety.
- (M) Associated state and federal laws or regulations affecting pesticides and pesticide users.
- (8) Subject matter and content may not include any of the following:
  - (A) Product or service sales or promotions.
  - (B) Employee hiring or retention.
  - (C) General business practices.

(State Chemist of the State of Indiana; [355 IAC 4-7-6](#))

#### [355 IAC 4-7-7](#) Regulatory response to violations

Authority: [IC 15-16-5](#)

Affected: [IC 15-16-5](#)

**Sec. 7. (a)** A certified applicator or registered technician who makes false or fraudulent reports or in any way misrepresents his or her participation in the certification or registration renewal process shall be subject to the following:

- (1) Revocation of all accumulated CCHs or PARPs to date.
- (2) Regulatory provisions in the following:
  - (A) [IC 15-16-5-65](#).
  - (B) [IC 15-16-5-66](#).
  - (C) [IC 15-16-5-70](#).

**(b)** A person who makes false or fraudulent reports or in any way misrepresents information that is part of the certification or registration renewal process shall be subject to the following:

- (1) Revocation of authority and privilege to participate in any future CCH or PARP events.
- (2) Regulatory provisions in the following:
  - (A) [IC 15-16-5-65](#).
  - (B) [IC 15-16-5-66](#).
  - (C) [IC 15-16-5-70](#).

(State Chemist of the State of Indiana; [355 IAC 4-7-7](#))

#### [Notice of Public Hearing](#)

Posted: 03/18/2009 by Legislative Services Agency

An [html](#) version of this document.