

Final Rule
LSA Document #09-62(F)

DIGEST

Adds [357 IAC 1-15](#) to establish the requirement for pesticide applicators at golf courses to be certified and licensed and the requirement for those applicators to keep records of their pesticide applications. Effective 30 days after filing with the Publisher.

[357 IAC 1-15](#)

SECTION 1. [357 IAC 1-15](#) IS ADDED TO READ AS FOLLOWS:

Rule 15. Applicator Certification and Licensing at Golf Courses

[357 IAC 1-15-1](#) Definitions

Authority: [IC 15-16-5-44](#)

Affected: [IC 15-16-5-52](#)

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

- (1) "Any pesticide" means both restricted use and nonrestricted use pesticides.
- (2) "Commercial applicator license" means the license issued annually by the state chemist to an individual who has met the requirements established in [IC 15-16-5-52](#), including the following licenses:
 - (A) Applicator for hire.
 - (B) Applicator not for hire.
 - (C) Public applicator.
- (3) "Direct supervision" means one (1) of the following:
 - (A) The supervision and oversight procedures for noncertified applicators, as required in [355 IAC 4-2](#).
 - (B) The supervising certified applicator is:
 - (i) present at the golf course; and
 - (ii) operating under conditions that permit direct voice contact with the noncertified applicator.
 - (C) The supervising certified applicator:
 - (i) has previously examined the specific application area while accompanied by the noncertified applicator;
 - (ii) has provided the noncertified applicator with written instructions covering site-specific precautions to prevent injury to persons or the environment at the pesticide application site; and
 - (iii) is operating under conditions that permit direct voice contact with the noncertified applicator.
- (4) "Direct voice contact" means real time communication by two-way radio, cell phone, landline phone, or any other communication device that would allow the supervising certified applicator to effectively communicate with the noncertified applicator during the use of the pesticide or the pesticide-related emergency.
- (5) "Golf course" means any turf areas designated and used primarily for the play or practice of the game of golf, including, but not limited to, the following areas:
 - (A) Fairways.
 - (B) Greens.
 - (C) Roughs.
 - (D) Tees.
- (6) "State chemist" means the Indiana state chemist or his or her authorized agent.
- (7) "Written instructions" means a written or printed site assessment fact sheet or similar document that shall be reviewed by the noncertified applicator prior to each pesticide application. The required elements on the site assessment fact sheet shall be developed by the state chemist in consultation with the representatives from the golf course industry.

(Indiana Pesticide Review Board; [357 IAC 1-15-1](#); filed Jun 4, 2009, 9:10 a.m.: [20090701-IR-357090062FRA](#))

[357 IAC 1-15-2](#) Applicator certification and licensing

Authority: [IC 15-16-5-44](#)

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

Sec. 2. (a) Except as provided in section 3 of this rule, a person may not use or supervise the use of any pesticide on a golf course without having obtained a commercial applicator license from the state chemist.

(b) Completing the certification requirements as a category 3b commercial applicator shall be a qualifying requirement for each of the licenses referenced in section 1(2) of this rule.

(Indiana Pesticide Review Board; [357 IAC 1-15-2](#); filed Jun 4, 2009, 9:10 a.m.: [20090701-IR-357090062FRA](#))

[357 IAC 1-15-3](#) Direct supervision of noncertified applicators

Authority: [IC 15-16-5-44](#)

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

Sec. 3. A person who has not obtained a commercial applicator license may use a pesticide on a golf course if the person is working under the direct supervision of a certified and licensed applicator affiliated with the business, agency, or organization that owns or operates that golf course or the pesticide business hired to apply pesticides on that golf course.

(Indiana Pesticide Review Board; [357 IAC 1-15-3](#); filed Jun 4, 2009, 9:10 a.m.: [20090701-IR-357090062FRA](#))

[357 IAC 1-15-4](#) Golf course pesticide use records

Authority: [IC 15-16-5-44](#)

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

Sec. 4. (a) A commercial applicator shall keep and maintain records of all applications of pesticides made on the golf course by the applicator or the noncertified individuals supervised by the applicator. The records shall provide the following:

- (1) The name or address of the golf course.
- (2) The name and certification number of the certified applicator responsible for the application.
- (3) The date and time of application.
- (4) The principal pest or pests to be controlled.
- (5) A description of the area treated, including, but not limited to, the following:
 - (A) The fairway number or numbers.
 - (B) The green number or numbers.
 - (C) The rough number or numbers.
 - (D) The tee number or numbers.
- (6) The pesticide applied, including the following:
 - (A) The name of the manufacturer.
 - (B) The U. S. Environmental Protection Agency registration number.
 - (C) The brand name.
- (7) The amount used, expressed as either:
 - (A) concentrate, giving the total quantity of formulation applied, in pounds, gallons, etc.; or
 - (B) diluted mixture (ready to use), giving the total amount applied and active ingredient concentration (percentage).

(b) Written, printed, or electronic information that includes all of the items in subsection (a) and used to create the records shall be maintained from the date of application until the collective written record required is generated.

(c) The records to be maintained under this section shall be:

- (1) recorded by the thirtieth day from the date of application; and
- (2) kept and maintained for a period of two (2) years.

(Indiana Pesticide Review Board; [357 IAC 1-15-4](#); filed Jun 4, 2009, 9:10 a.m.: [20090701-IR-357090062FRA](#))

[357 IAC 1-15-5](#) Record inspection; availability

Authority: [IC 15-16-5-44](#)

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

Sec. 5. (a) All required records and information shall, upon written or oral request, be made available for inspection and copying by the state chemist or his or her authorized agent.

(b) When a licensed health care professional determines that information required to be maintained as part of these records is necessary to provide medical treatment to an individual who may have been exposed to the pesticide, the state chemist or the commercial applicator shall provide the requested information.

(c) No licensed health care professional shall release any record or information from any record obtained under subsection (b) except as necessary to provide medical treatment to an individual who may have been exposed to the pesticide for which the record is maintained.

(Indiana Pesticide Review Board; [357 IAC 1-15-5](#); filed Jun 4, 2009, 9:10 a.m.: [20090701-IR-357090062FRA](#))

LSA Document #09-62(F)

Notice of Intent: [20090128-IR-357090062NIA](#)

Proposed Rule: [20090318-IR-357090062PRA](#)

Hearing Held: April 20, 2009

Approved by Attorney General: May 26, 2009

Approved by Governor: June 3, 2009

Filed with Publisher: June 4, 2009, 9:10 a.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: David Scott, Secretary, Indiana Pesticide Review Board, 175 South University Street, West Lafayette, Indiana 47907-2063, (765) 494-1593, scottde@purdue.edu

Posted: 07/01/2009 by Legislative Services Agency

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