
TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

Proposed Rule
LSA Document #22-266**DIGEST**

Amends and adds provisions to [355 IAC 4-0.5](#) concerning definitions. Amends [355 IAC 4-1](#) concerning certification standards, procedures, and exemptions for commercial and private pesticide applicators. Amends [355 IAC 4-2](#) concerning supervision of noncertified pesticide applicators, reducing pesticide label requirements for pesticide use, and creating a training-only option for registered technician qualification. Amends [355 IAC 4-4](#) concerning record keeping requirements. Amends [355 IAC 4-5-2](#) to simplify notification requirements for termite control pesticide application. Amends [355 IAC 4-7-3](#) to create a training option with no written examination to qualify for renewal as a registered technician. Repeals [355 IAC 4-0.5-2](#), [355 IAC 4-0.5-3](#), [355 IAC 4-0.5-4](#), [355 IAC 4-1-4](#), [355 IAC 4-2-1](#), [355 IAC 4-2-3](#), [355 IAC 4-2-5](#), [355 IAC 4-2-7](#), [355 IAC 4-3-0.5](#), [355 IAC 4-5-1](#), [355 IAC 4-5-3](#), [355 IAC 4-6](#), and [355 IAC 4-7-1](#). Effective 30 days after filing with the Publisher.

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

[355 IAC 4-0.5-1](#); [355 IAC 4-0.5-1.2](#); [355 IAC 4-0.5-1.3](#); [355 IAC 4-0.5-1.6](#); [355 IAC 4-0.5-1.8](#); [355 IAC 4-0.5-2](#); [355 IAC 4-0.5-3](#); [355 IAC 4-0.5-4](#); [355 IAC 4-0.5-5](#); [355 IAC 4-0.5-6](#); [355 IAC 4-0.5-7](#); [355 IAC 4-0.5-8](#); [355 IAC 4-1-1.1](#); [355 IAC 4-1-2.1](#); [355 IAC 4-1-3](#); [355 IAC 4-1-4](#); [355 IAC 4-2-1](#); [355 IAC 4-2-2](#); [355 IAC 4-2-3](#); [355 IAC 4-2-5](#); [355 IAC 4-2-6](#); [355 IAC 4-2-7](#); [355 IAC 4-2-8](#); [355 IAC 4-3-0.5](#); [355 IAC 4-4-1](#); [355 IAC 4-4-1.5](#); [355 IAC 4-4-3](#); [355 IAC 4-5-1](#); [355 IAC 4-5-2](#); [355 IAC 4-5-3](#); [355 IAC 4-6](#); [355 IAC 4-7-1](#); [355 IAC 4-7-3](#)

SECTION 1. [355 IAC 4-0.5-1](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-1](#) Applicability

Authority: [IC 15-16-2](#); [IC 15-16-4-50](#); [IC 15-16-4-52](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16-4](#); [IC 15-16-5](#)

Sec. 1. **In addition to** the definitions in this rule, **the definitions in [IC 15-16-4](#) and [IC 15-16-5](#)** apply throughout this article.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-1](#); filed Nov 22, 1999, 3:39 p.m.: 23 IR 776; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 2. [355 IAC 4-0.5-1.2](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-1.2](#) "Categories" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 1.2. "Categories" means the commercial applicator certification categories described in [355 IAC 4-1-3](#).

(State Chemist of the State of Indiana; [355 IAC 4-0.5-1.2](#))

SECTION 3. [355 IAC 4-0.5-1.3](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-1.3](#) "CCH" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 1.3. "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.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-1.3](#))

SECTION 4. [355 IAC 4-0.5-1.6](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-1.6](#) "Community-wide mosquito abatement" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 1.6. "Community-wide mosquito abatement" means any pesticide product application activities, including mosquito adulticiding and larviciding, conducted wholly or in part on publicly accessible property. The term does not include pesticide product use activities performed for the control of mosquitoes solely on a single-family residence.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-1.6](#))

SECTION 5. [355 IAC 4-0.5-1.8](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-1.8](#) "In-house training" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 1.8. "In-house training" means training or instruction that is designed specifically for a company's own employees.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-1.8](#))

SECTION 6. [355 IAC 4-0.5-5](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-5](#) "PARP" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 5. "PARP" means a private applicator recertification program of pesticide-related instruction or training that has been evaluated and approved by the state chemist.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-5](#))

SECTION 7. [355 IAC 4-0.5-6](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-6](#) "Preconstruction termite control treatment" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 6. "Preconstruction termite control treatment" means the application of a pesticide product to a structure or building site during the construction phase for the purpose of protecting that structure from infestation by subterranean termites.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-6](#))

SECTION 8. [355 IAC 4-0.5-7](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-7](#) "Publicly accessible property" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Sec. 7. "Publicly accessible property" means public or private property to which the public or patrons have a reasonable expectation of relatively unrestricted access.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-7](#))

SECTION 9. [355 IAC 4-0.5-8](#) IS ADDED TO READ AS FOLLOWS:

[355 IAC 4-0.5-8](#) "School" defined

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#); [IC 20-18-2](#); [IC 20-21](#); [IC 20-22](#)

Sec. 8. (a) "School" means the physical buildings and grounds of an institution for the instruction of students, including the following:

- (1) A preschool.
- (2) An elementary school, as defined in [IC 20-18-2-4](#).
- (3) A high school, as defined in [IC 20-18-2-7](#).
- (4) A nonpublic school, as defined in [IC 20-18-2-12](#).
- (5) The Indiana School for the Blind and Visually Impaired established under [IC 20-21](#).
- (6) The Indiana School for the Deaf established under [IC 20-22](#).

(b) For purposes of this article, the term does not include any of the following:

- (1) Sunday schools, vacation Bible schools, and any private religious school except those that are accredited by the Indiana department of education.
- (2) Daycare centers.
- (3) Home schools.

(State Chemist of the State of Indiana; [355 IAC 4-0.5-8](#))

SECTION 10. [355 IAC 4-1-1.1](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-1-1.1](#) Applicators; licensing and permitting

Authority: [IC 15-16-2-44](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

~~Sec. 1.1. (a) Completing the certification requirements as a commercial applicator ([IC 15-16-5-7](#)) shall be a qualifying requirement for each of the licenses defined in [355 IAC 4-0.5](#). Except as provided in [355 IAC 4-4-3\(a\)](#), an individual must be a licensed commercial applicator or a permitted private applicator to:~~

- (1) purchase a restricted use pesticide product;
- (2) use a restricted use pesticide product; or
- (3) apply a pesticide product by means of aerial application.

~~(b) Except as provided in subsection (c), an individual must be a licensed commercial applicator to:~~

- (1) use a nonrestricted general use pesticide product:
 - (A) for hire;
 - (B) on a golf course;
 - (C) at a school; or
 - (D) for community-wide mosquito abatement; or
- (2) make a diagnostic inspection or report to determine infestations of a wood destroying pest.

~~(c) an individual is not required to be a licensed commercial applicator to use a nonrestricted general use pesticide product:~~

- (1) as provided in [355 IAC 4-2](#);
- (2) on personal property owned or managed by the individual;
- (3) labeled as a:
 - (A) bactericide;

- (B) disinfectant;
 - (C) germicide;
 - (D) sanitizer;
 - (E) water purifying chemical;
 - (F) swimming pool chemical; or
 - (G) personal body applied insect repellent; or
- (4) in a school and labeled as a:
- (A) gel bait insecticide;
 - (B) paste bait insecticide; or
 - (C) manufactured enclosed insecticide.

~~(b)~~ (d) An individual who is employed as a licensed **commercial** applicator at more than one (1) business location or agency at the same time shall:

- (1) hold separate and distinct licenses for each employer; and
- (2) pay all applicable license fees.

(State Chemist of the State of Indiana; [355 IAC 4-1-1.1](#); filed Nov 21, 1984, 3:33 p.m.: 8 IR 331; filed Nov 22, 1999, 3:39 p.m.: 23 IR 777; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Jan 30, 2007, 9:49 a.m.: [20070228-IR-355060063FRA](#); readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:42 p.m.: [20121226-IR-355120517FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 11. [355 IAC 4-1-2.1](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-1-2.1](#) Certification standards and procedures

Authority: [IC 15-16-2](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 2.1. (a) Initial certification of commercial applicators **and private applicators** shall be by written closed book examinations developed by the state chemist. The minimum passing score on all examinations administered by the state chemist shall be seventy-five percent (75%) unless another minimum passing score has been established by the state chemist after consideration of the recommendations of the standards committee described in subsection ~~(e)~~: (f).

(b) Except for **individuals operating** applicators in category 12, ~~and category 13~~, each certified commercial applicator ~~shall have passed~~ **must pass**:

- (1) a core examination **covering relevant subject matter that is:**
 - (A) **common to most categories of applicators;** and
 - (B) **addressed in 40 CFR Part 171.**
- (2) a category examination **covering relevant subject matter that is:**
 - (A) **specific to the occupational group identified by each of the separate categories described in section 3 of this rule;** and
 - (B) **addressed in 40 CFR Part 171.**

(c) **Each private applicator using a restricted use pesticide product must pass a core examination.**

(d) **Each private applicator using a fumigant must pass:**

- (1) a core examination; and
- (2) a category 7d examination.

(e) **Each private applicator using a pesticide applied by aerial application must pass:**

- (1) a core examination; and
- (2) a category 11 examination.

~~(e)~~ (f) For each examination, the state chemist shall appoint a separate standards committee to develop certification subject matter and standards. Members of this committee shall include, at a minimum, individuals representing the following:

- (1) The state chemist.
- ~~(2) The Purdue University cooperative extension service.~~
- ~~(3)~~ **(2)** The largest pesticide user groups **group** covered by that category.

~~(d)~~ **(g)** Initial certification shall remain in force from the date of passing the examination through December 31 of the fourth year following the year during which the examination was passed unless revoked or suspended.

~~(e)~~ **(h)** No examination may be attempted more than three (3) times in any twelve (12) month period. The twelve (12) month period shall commence on the date that the first examination failure occurs.

~~(f)~~ **(i)** The state chemist shall specify examination procedures that must be followed by any individual taking an examination. Failure to comply with these procedures or any unauthorized assistance provided by or received by an individual during the examining period shall be cause for immediate termination of the examining process for all involved individuals and no additional opportunity to take any examinations shall be provided to the involved individuals for a period of five (5) years.

(j) In addition to other requirements in this section, initial certification as a for-hire commercial applicator in category 7b or category 12 shall require completion of a practical hands-on training program reviewed and approved by the state chemist.

(k) In addition to other requirements in this section, initial certification as a for-hire commercial applicator in category 3b shall require completion of one (1) of the following:

- (1) A practical, hands-on training program reviewed and approved by the state chemist.**
- (2) Ninety (90) days of experience as an active category 3b certified applicator or registered technician in Indiana or any state having a comparable and verifiable program as determined by the state chemist.**
- (3) A formal post-high school two (2) year minimum turf program or a related program that includes turf production in its curriculum. An official transcript must be submitted to the state chemist for approval to qualify by this method.**
- (4) One (1) year of experience as an active licensed applicator in any licensing category in Indiana or in another state.**

(State Chemist of the State of Indiana; [355 IAC 4-1-2.1](#); filed Nov 21, 1984, 3:33 p.m.: 8 IR 331; filed Nov 22, 1999, 3:39 p.m.: 23 IR 777; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Jan 30, 2007, 9:49 a.m.: [20070228-IR-355060063FRA](#); readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 12. [355 IAC 4-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-1-3](#) Commercial applicators; categories of certification and licenses

Authority: [IC 15-16-2](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16](#)

Sec. 3. Commercial applicators shall be certified and licensed in one (1) or more of the following categories:

(1) Category 1. Agricultural pest management. This category includes individuals using or supervising the use of pesticides on noncrop agricultural lands such as pastures, or ~~in production of~~ **for the purpose of producing** agricultural crops, including, but not limited to, the following:

- (A) Grains.
- (B) Soybeans and oil seed.
- (C) Forage.
- (D) Vegetables.
- (E) Fruits.
- (F) Nuts.

(2) Category 2. Forest pest management. This category includes individuals using or supervising the use of pesticides **for the purpose of managing pests** in forests, ~~or forest nurseries,~~ **and forest seed producing areas.**

(3) Category 3a. Ornamental pest management. This category includes individuals using or supervising the

use of pesticides ~~for the purpose of managing pests in the maintenance or production of~~ ornamental plants, **including ornamental trees, shrubs, and flowers**, and related areas such as the following:

- (A) Driveways.
- (B) Sidewalks.
- (C) Residential parking areas.
- (D) Landscape beds.
- (E) Fence lines.

(4) Category 3b. Turf management. This category includes individuals using or supervising the use of:

(A) pesticides ~~for the purpose of managing pests in the maintenance or production of~~ turf and related areas such as:

- (i) driveways;
 - (ii) sidewalks;
 - (iii) residential parking areas;
 - (iv) landscape beds but not ornamental plantings within the beds;
 - (v) fence lines; and
 - (vi) riprap; or
- (B) fertilizer materials on turf.

This category does not include the use of pesticides applied for the purpose of managing pests to prevent infestation of a structure.

(5) Category 4. Seed treatment. This category includes individuals using or supervising the use of pesticides on seed stocks for the purpose of managing pest organisms that are anticipated to attack the plant or germinating seed.

(6) Category 5. Aquatic pest management. This category includes individuals using or supervising the use of pesticides purposefully applied to any of the following, **for the purpose of managing pests**:

- (A) Standing or running water.
- (B) Wetlands.
- (C) Related areas such as riprap.

(7) Category 6. Industrial weed management. This category includes individuals using or supervising the use of pesticides **for the purpose of managing weeds and invasive plants** in the maintenance of public or private:

- (A) roads;
- (B) utility rights-of-way;
- (C) pipelines;
- (D) railway rights-of-way;
- (E) parking lots;
- (F) ditch banks;
- (G) riprap;
- (H) fence lines;
- (I) restoration areas; and
- (J) substations;

and other similar areas.

(8) Category 7a. Industrial, institutional, structural, and health related pest management. This category includes individuals using or supervising the use of pesticides for management of pests other than termites in or around structures such as any of the following:

- (A) Human dwellings.
- (B) Offices.
- (C) Retail establishments.
- (D) Farm structures.
- (E) Restaurants.
- (F) Warehouses.
- (G) Institutional establishments.
- (H) Industrial facilities.
- (I) Food processing facilities.

(9) Category 7b. Termite control. This category includes individuals using or supervising the use of pesticides for the management of termites and other wood destroying organisms. Certification in this category also qualifies individuals to inspect structures for the purpose of determining the presence or absence of evidence of termites or other wood destroying organisms.

(10) Category 7d. Fumigation. ~~Certification in~~ This category ~~is required for~~ **includes** all individuals using or supervising the use of pesticides that in the gaseous state are designed to kill or repel pests.

(11) Category 8. Community-wide mosquito management. This category includes governmental employees or other individuals using or supervising the use of pesticides for community-wide mosquito abatement, as

defined in ~~357 IAC 4-11-1(3)~~. **355 IAC 4-0.5-1.6.**

(12) Category 11. Aerial application. ~~Certification in~~ This category is required for **includes** all individuals who apply pesticides by means of:

- (A) fixed wing;
- (B) rotary wing;
- (C) ultralight aircraft; or
- (D) lighter-than-air aircraft; or
- (E) unmanned aerial vehicle.**

Individuals that apply pesticides by aerial application only shall not be required to be concurrently certified and licensed in additional categories under this section.

(13) Category 12. Wood destroying pest inspection. ~~Certification in~~ **Except for individuals certified in category 7b**, this category ~~limits~~ **includes** individuals ~~to the inspection of~~ **who inspect** structures for the purpose of determining evidence of the presence or absence of termites or other wood destroying organisms. It does not permit these individuals to use or supervise the use of pesticides for hire. The certification requirements for this category shall be determined by the state chemist.

(14) Category 13. Limited certification. This category includes individuals using or supervising the use of a very limited number of specialized pesticides in or on a very limited number of types of sites and situations not adequately covered by other categories listed in this section. **The need to create or eliminate specific limited certification categories and the requirements for these the limited certifications certification examinations** shall be determined by the state chemist.

(15) Category 14. Agricultural fertilizer material application. This category includes individuals using or supervising the use of fertilizer material for purposes of producing an agricultural crop on the property of another person.

(State Chemist of the State of Indiana; [355 IAC 4-1-3](#); Pesticide Use & Application Reg 1, Sec. 3; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 440; filed Nov 21, 1984, 3:33 p.m.: 8 IR 332; filed Nov 22, 1999, 3:39 p.m.: 23 IR 778; errata filed Dec 9, 1999, 12:31 p.m.: 23 IR 814; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Jan 30, 2007, 9:49 a.m.: [20070228-IR-355060063FRA](#); readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Dec 10, 2010, 10:32 a.m.: [20110105-IR-355100565FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 13. [355 IAC 4-2-2](#) IS AMENDED TO READ AS FOLLOWS:

Rule 2. Supervision of Noncertified Applicators

[355 IAC 4-2-2](#) Pesticide or fertilizer use by noncertified individuals

Authority: [IC 15-16-2](#); [IC 15-16-5-44](#); [IC 15-16-45](#)

Affected: [IC 15-16](#)

Sec. 2. Pesticides **(a) Nonrestricted general use pesticide products** or fertilizers may be used by a noncertified ~~person~~ **individual** working under the direct supervision of a certified **licensed commercial** applicator. ~~All persons conducting use of pesticides or fertilizers for hire by aerial application shall be certified.~~

(b) Supervision of a noncertified individual must be performed by a licensed commercial applicator that:

- (1) is legally affiliated with the business or organization responsible for the use of the pesticide product;**
- (2) has identified the means to establish direct voice or text message contact with the noncertified individual; and**
- (3) has provided the noncertified individual with:**
 - (A) a complete, legible copy of the pesticide product label being used; and**
 - (B) all equipment, including personal protective equipment, and instruction required by the label of the pesticide product to use the product safely and effectively.**

(c) In addition to the requirements in subsection (b), supervision of for-hire use must also include:

- (1) the continuous physical presence of a commercial licensed applicator at the work site; or**
- (2) the noncertified individual being a registered technician, as described in section 8 of this rule.**

(State Chemist of the State of Indiana; Pesticide Use & Application Reg 2, Sec 2; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 443; filed Apr 21, 1982, 3:45 p.m.: 5 IR 1192; filed Sep 20, 2001, 3:54 p.m.: 25 IR 376; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 6; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:42 p.m.: [20121226-IR-355120517FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 14. [355 IAC 4-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-2-6](#) Certified and noncertified applicators' responsibilities

Authority: [IC 15-16-4-44](#); [IC 15-16-5-45](#); [IC 15-16-5-52](#)

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

Sec. 6. Certified supervising applicators and noncertified individuals shall be responsible for the following:

(1) ~~A certified supervising applicator shall provide the items listed in section 1(2)(B) of this rule to the noncertified individual.~~

(2) ~~A noncertified individual shall:~~

~~(A) be in possession of the items listed in section 1(2)(B) of this rule;~~

~~(B) carry out the instructions of the supervising certified applicator; and~~

~~(C) upon request, produce the items listed in section 1(2)(B) of this rule for inspection by the state chemist.~~

must have access to the pesticide label at all times of the pesticide being used.

(State Chemist of the State of Indiana; Pesticide Use & Application Reg 2, Sec 6; filed Apr 21, 1982, 3:45 p.m.: 5 IR 1192; filed Sep 20, 2001, 3:54 p.m.: 25 IR 377; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 15. [355 IAC 4-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-2-8](#) Technician registration requirements

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16-5-60](#)

Sec. 8. (a) To become a registered technician, an individual must do the following:

(1) **Either:**

(A) pass the commercial applicator core examination described in [355 IAC 4-1-2.1](#); or

(B) complete an initial applicator training program that has been:

(i) developed and delivered by Purdue Pesticide Programs; and

(ii) approved by the state chemist.

(2) Submit an application on a form provided by the state chemist.

(3) Submit the technician registration fee.

(b) Registration shall remain in force from the date of passing the examination through December 31 of the fourth year following the year during which the examination was passed unless revoked or suspended.

(c) The registration period may be extended indefinitely for an additional five (5) years if the registered technician accumulates at least eight (8) continuing registration credits by attending at least two (2) state chemist approved continuing registration programs while the registration is in force.

(d) Annual registration credentials shall expire on December 31 unless renewed by payment of the renewal fee by that date. Renewal after December 31 shall include a late fee as established by [IC 15-16-5-60](#) in addition to the renewal fee.

(e) The registration credential **or proof of current registration** shall be in the possession of the registered technician at all times the technician is ~~at a work site as defined in section 1(4) of this rule.~~ **using the pesticide.**

(State Chemist of the State of Indiana; [355 IAC 4-2-8](#); filed Sep 20, 2001, 3:54 p.m.: 25 IR 377; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 6; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:42 p.m.: [20121226-IR-355120517FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 16. [355 IAC 4-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-4-1](#) Commercial applicator use records

Authority: [IC 15-16-4-50](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16-4](#); [IC 15-16-5-41](#)

Sec. 1. (a) All commercial applicators ~~or their employees~~ shall keep and maintain records of all applications of pesticides classified for restricted use.

(b) All commercial applicators referenced in [355 IAC 4-1-1.1\(b\)\(1\)\(B\)](#), [355 IAC 4-1-1.1\(b\)\(1\)\(C\)](#), or [355 IAC 4-1-3\(9\)](#) shall keep and maintain records of all applications of unrestricted general use pesticide products. Such

(c) Records ~~shall provide~~ **referenced in subsections (a) and (b) must include** the following:

(1) Name ~~and address of customer and address or location description~~ **or property owner** of the site of application. ~~if different.~~

(2) Address, geographic coordinates, or general location description of site of application.

~~(2)~~ **(3) Name and certification number (or certification number of the supervising certified applicator) of the person making the application responsible commercial applicator.**

(4) License number of the responsible commercial applicator.

(5) Name of the supervised noncertified applicator, if applicable.

~~(3)~~ **(6) Date of application (month, day, and year).**

(7) Start and stop times of the application.

~~(4)~~ **(8) Description** of plants, crop, animals, commodity, stored product, or sites treated. ~~and~~

(9) Principal pests to be controlled.

~~(5)~~ **(10) Specific** acreage, area, **parts of a structure, parts of a property**, or number of plants or animals treated, or other appropriate description.

~~(6)~~ **(11) Brand name** of pesticide **product** applied. ~~including name of the manufacturer~~

(12) EPA registration number and brand name (including formulation if specifically identified in the brand name) of the pesticide product applied, if applicable.

~~(7)~~ **(13) Amount of pesticide product** used, expressed as either **total quantity or volume of:**

(A) ~~concentrate—give total quantity of formulation applied (pounds, gallons, etc.)~~ **packaged product;** or

(B) ~~diluted mixture (ready-to-use)—give total amount applied and active ingredient concentration (percentage).~~

(d) In addition to the information required in paragraph (a), the records for termite control pesticide applications for hire must include the following:

(1) A copy of the contract, service agreement, or other similar written documentation for the treated structure. This written documentation as it relates to pricing shall be declared confidential as provided for in [IC 15-16-5-41](#).

(2) A graph or diagram of the treated structure.

(3) Dimensions of the treated structure. This includes depth from grade to the top of the foundation footing if soil applied liquids are used.

(4) Treatment specifications, if soil applied liquids are used.

(5) A copy of the termite control customer disclosure form, signed by the customer, if applicable.

~~(b)~~ (e) The records to be maintained **created** under this section shall be recorded by the thirtieth day from on the date of application and be kept and maintained for a period of **at least two (2) years**.

~~(c) The records to be maintained under this section shall be maintained collectively.~~

~~(d) Written or electronic information which 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.~~

~~(e) A~~ **(f) If requested, the** commercial applicator shall, within thirty (30) days of ~~a restricted use~~ **the pesticide product application date**, provide a copy of ~~the~~ records maintained under this section to the person for whom the restricted-use pesticide **product** was applied. Such person shall keep this copy for two (2) years after the date of the application.

(State Chemist of the State of Indiana; Pesticide Use & Application Reg 4, Sec 1; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 444; filed Nov 3, 1993, 9:00 a.m.: 17 IR 339; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 17. [355 IAC 4-4-1.5](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-4-1.5](#) Private applicator use records

Authority: [IC 15-16-4-50](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)

Affected: [IC 15-16-4](#); [IC 15-16-5](#)

Sec. 1.5. (a) All private applicators ~~or their employees~~ shall keep **create** and maintain records of all applications of pesticides classified for restricted use. Such

(b) Records shall provide must include the following: information described in section 1(c) of this rule.

~~(1) Address or location description of site of application.~~

~~(2) Name and certification number (or certification number of the supervising certified applicator) of the person making the application.~~

~~(3) Date of application (month, day, and year).~~

~~(4) Type of plants, crop, animals, commodity, stored product, or sites treated and principal pests to be controlled.~~

~~(5) Acreage, area, or number of plants or animals treated or other appropriate description.~~

~~(6) Pesticide applied, including name of the manufacturer, EPA registration number, and brand name (including formulation if specifically identified in the brand name).~~

~~(7) Amount used, expressed as either:~~

~~(A) concentrate—give total quantity of formulation applied (pounds, gallons, etc.); or~~

~~(B) diluted mixture (ready to use)—give total amount applied and active ingredient concentration (percentage).~~

~~(b) (c) The records to be maintained under this section shall be recorded by the thirtieth day from on the date of application and be kept and maintained for a period of two (2) years.~~

~~(e) Written or electronic information which 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.~~

(State Chemist of the State of Indiana; [355 IAC 4-4-1.5](#); filed Nov 3, 1993, 9:00 a.m.: 17 IR 339; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 18. [355 IAC 4-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[355 IAC 4-4-3](#) Restricted pesticide dealers; records

Authority: [IC 15-16-4-50](#); [IC 15-16-4-52](#); [IC 15-16-5-44](#)

Affected: [IC 15-16-4](#); [IC 15-16-5](#)

Sec. 3. ~~Dealers selling or distributing pesticides with uses classified as restricted shall be registered with the~~

~~Office of the State Chemist each year. These dealers shall~~ **(a) A person must be a registered pesticide dealer to sell or distribute a restricted use pesticide into or within Indiana, except when the distribution is for resale by a restricted use pesticide dealer.**

(b) A registered pesticide dealer must keep and maintain a record for each transaction involving a restricted use pesticide for at least two (2) years from the date of distribution. The records must include the following:

- ~~(a)~~ **(1) Name address and certificate number of the certified applicator for whom the purchase or distribution is being made.**
- (2) Certification, license, or permit number of the certified applicator.**
- (3) If other than from the state chemist, the state, tribe, or federal agency that issued the certification.**
- (4) Certification, license, or permit expiration date of the certified applicator.**
- (5) Certification, license, or permit categories of the certified applicator.**
- (6) Address of the certified applicator or application business that employs the certified applicator.**
- ~~(b)~~ **(7) Date of distribution.**
- ~~(c)~~ **(8) Brand name of the pesticide product.** ~~(manufacturer, EPA registration number, and brand name).~~
- (9) EPA registration number of the pesticide product.**
- ~~(d)~~ **(10) Amount of pesticide product sold distributed.**
- ~~(e)~~ **(11) Any applicable emergency exemption or state special local need registration number.**
- (12) Signature or verifiable confirmation of the person presenting the certification credentials, ordering, or taking delivery of the product.**

~~These records shall be maintained for two years from the date of sale.~~

(State Chemist of the State of Indiana; Pesticide Use & Application Reg 4, Sec 3; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 445; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 19. [355 IAC 4-5-2](#) IS AMENDED TO READ AS FOLLOWS:

Rule 5. Termite Control Notification and Customer Disclosure

[355 IAC 4-5-2](#) Customer disclosure and preconstruction notification requirements for licensed termite control applicators for hire

Authority: [IC 15-16-4-52](#); [IC 15-16-5-44](#); [IC 15-16-5-45](#)
Affected: [IC 15-16-4](#); [IC 15-16-5](#)

Sec. 2. Licensed applicators **(a) Except for a retreatment of a previously treated structure or a preconstruction termite control treatment, a commercial applicator that applies a termite control pesticide product for hire shall be required to do the following: must disclose to the customer any label-required procedures that will be omitted from the treatment of the structure.**

(b) The disclosure referenced in subsection (a) must be made by a written termite control customer disclosure form that has been:

- (1) approved by the state chemist;**
- (2) issued to the customer or the customer's agent; and**
- (3) signed by the customer or the customer's agent.**
- ~~(1) Develop records for all for hire termiticide applications performed by that licensed applicator or registered technician operating under that licensed applicator's direct supervision as described in [355 IAC 4-2](#).~~
- ~~(2) Ensure that the records required under this section include the following:~~
 - ~~(A) A copy of the contract, service agreement or other similar written documentation for the treated structure. This written documentation as it relates to pricing shall be declared confidential as provided for in [IC 15-16-5-41](#).~~
 - ~~(B) A graph or diagram of the treated structure.~~
 - ~~(C) Dimensions of the treated structure. This includes depth from grade to the top of the foundation footing if soil applied liquids are used.~~
 - ~~(D) Treatment specifications, if soil applied liquids are used.~~

- ~~(E) The U.S. Environmental Protection Agency product registration number for the termiticides used.~~
- ~~(F) The dilution rate of the termiticides if soil applied or wood applied liquids are used.~~
- ~~(G) The total volume of termiticide use dilutions if soil applied or wood applied liquids are used.~~
- ~~(H) A copy of the termite control customer disclosure form signed by the customer.~~
- ~~(I) The name and registration numbers of all of the technicians participating in the treatment.~~
- ~~(J) The name and license number of the applicator or supervisor if treatment was performed by a registered technician.~~
- ~~(K) The day, month, and year of treatment.~~
- ~~(3) Keep and maintain the records required under this section for a period of five (5) years from the date of treatment.~~
- ~~(4) Provide the registered technicians under the licensed applicator's supervision with the following:
 - ~~(A) Direct supervision as required in [355 IAC 4-2](#).~~
 - ~~(B) The information required in subdivision (2).~~~~
- ~~(5) Ensure that the termite control customer disclosure form, when required, is issued to and signed by the customer or the customer's agent before making the termiticide application.~~

~~(6) (c) Except as provided in subdivision (7), ensure that the state chemist is notified by means of written communication **when adequate advance notice is not provided by the customer, a commercial applicator that intends to make a preconstruction termite control treatment for hire must notify the state chemist at least three (3) hours before the initial application of a preconstruction termiticide treatment.**~~

~~(d) The notification referenced in subsection (c) may be made by web form, email, fax, text message, or telephone, and must include~~ of the following:

- ~~(A) (1) The physical address **or geographic coordinates** of the application site.~~
- ~~(B) (2) The date of the application.~~
- ~~(C) (3) The time the application is scheduled to begin.~~
- ~~(D) (4) The estimated square footage involved in the initial application.~~
- ~~(E) The name and license number of the licensed applicator responsible for making or supervising the application.~~
- ~~(7) If the licensed applicator and the licensed applicator's employer are notified of the need for the initial application less than three (3) hours before the application is to occur, the licensed applicator may telephone the state chemist and then submit the written notification in subdivision (6) as soon as is practical.~~

(State Chemist of the State of Indiana; [355 IAC 4-5-2](#); filed Feb 17, 1986, 3:00 p.m.: 9 IR 1570, eff Apr 1, 1986; filed Sep 10, 1999, 4:41 p.m.: 23 IR 303; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 7; filed Jan 28, 2010, 11:23 a.m.: [20100224-IR-355090617RFA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 20. [355 IAC 4-7-3](#) IS AMENDED TO READ AS FOLLOWS:

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

Authority: [IC 15-16-5-44](#); [IC 15-16-5-45](#)

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 **or training** 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.

(State Chemist of the State of Indiana; [355 IAC 4-7-3](#); filed May 12, 2009, 11:20 a.m.: [20090610-IR-355090063FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#))

SECTION 21. THE FOLLOWING ARE REPEALED: [355 IAC 4-0.5-2](#); [355 IAC 4-0.5-3](#); [355 IAC 4-0.5-4](#); [355 IAC 4-1-4](#); [355 IAC 4-2-1](#); [355 IAC 4-2-3](#); [355 IAC 4-2-5](#); [355 IAC 4-2-7](#); [355 IAC 4-3-0.5](#); [355 IAC 4-5-1](#); [355 IAC 4-5-3](#); [355 IAC 4-6](#); [355 IAC 4-7-1](#).

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