

ARTICLE 4. PESTICIDE USE AND APPLICATION

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Rule 0.5. Definitions

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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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-0.5-1.5 "Certification" defined

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

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

Sec. 1.5. "Certification" means the status achieved by an individual who has demonstrated competency in a particular category by having met the certification requirements established for that category. Certification shall:

(1) be assigned to the individual; and

(2) not be impacted by that individual's employment status.

(*State Chemist of the State of Indiana; 355 IAC 4-0.5-1.5; 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](#)*)

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

355 IAC 4-0.5-1.7 "Fertilizer material" defined

Authority: [IC 15-16](#)

Affected: [IC 15-16-2-11](#)

Sec. 1.7. "Fertilizer material", as defined in [IC 15-16-2-11](#), means any substance containing nitrogen, phosphate, potash, or any recognized plant nutrient that:

(1) is used for the plant nutrient content; and

(2) has nutrient value in promoting plant growth.

The term includes unmanipulated animal and vegetable manures. (*State Chemist of the State of Indiana; 355 IAC 4-0.5-1.7; 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](#)*)

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

355 IAC 4-0.5-2 "Licensed applicator for hire" defined (*Repealed*)

Sec. 2. (*Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

355 IAC 4-0.5-3 "Licensed applicator not for hire" defined (*Repealed*)

Sec. 3. (*Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

355 IAC 4-0.5-4 "Licensed public applicator" defined (*Repealed*)

Sec. 4. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-0.5-7 "Publicly accessible property" defined

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

Affected: [IC 15-16](#)

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

Rule 1. Categorization of Licenses and Certificates

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

Definitions (Repealed)

[355 IAC 4-1-1.1](#)

Applicators; licensing and permitting

[355 IAC 4-1-2](#)

Licensed applicator not for hire; certification (Repealed)

[355 IAC 4-1-2.1](#)

Certification standards and procedures

[355 IAC 4-1-3](#)
[355 IAC 4-1-4](#)

Commercial applicators; categories of certification and licenses
Private applicators; certification requirements (Repealed)

355 IAC 4-1-1 Definitions (*Repealed*)

Sec. 1. (*Repealed by State Chemist of the State of Indiana; filed Nov 21, 1984, 3:33 pm: 8 IR 334*)

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) 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.
- (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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))*

355 IAC 4-1-2 Licensed applicator not for hire; certification (*Repealed*)

Sec. 2. (*Repealed by State Chemist of the State of Indiana; filed Nov 21, 1984, 3:33 pm: 8 IR 334*)

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 (f).

(b) Except for individuals operating in category 12, each certified commercial applicator 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.

(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 largest pesticide user group covered by that category.

(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.

(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.

(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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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 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, 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. This category 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 355 IAC 4-0.5-1.6.

(12) Category 11. Aerial application. This category includes all individuals who apply pesticides by means of:

- (A) fixed wing;
- (B) rotary wing;
- (C) ultralight aircraft;
- (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. Except for individuals certified in category 7b, this category includes individuals 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 the limited 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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-1-4 Private applicators; certification requirements *(Repealed)*

Sec. 4. *(Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))*

Rule 2. Supervision of Noncertified Applicators

355 IAC 4-2-1	Definitions <i>(Repealed)</i>
355 IAC 4-2-2	Pesticide or fertilizer use by noncertified individuals
355 IAC 4-2-3	On-site supervision of use <i>(Repealed)</i>
355 IAC 4-2-4	Application instructions <i>(Repealed)</i>
355 IAC 4-2-5	Applicability of supervision requirements <i>(Repealed)</i>
355 IAC 4-2-6	Certified and noncertified applicators' responsibilities
355 IAC 4-2-7	Limit on number of noncertified individuals to be supervised <i>(Repealed)</i>
355 IAC 4-2-8	Technician registration requirements

355 IAC 4-2-1 Definitions *(Repealed)*

Sec. 1. *(Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))*

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. (a) Nonrestricted general use pesticide products or fertilizers may be used by a noncertified individual working under the supervision of a licensed commercial applicator.

(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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-2-3 On-site supervision of use *(Repealed)*

Sec. 3. *(Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))*

355 IAC 4-2-4 Application instructions *(Repealed)*

Sec. 4. *(Repealed by State Chemist of the State of Indiana; filed Sep 20, 2001, 3:54 p.m.: 25 IR 378)*

355 IAC 4-2-5 Applicability of supervision requirements (Repealed)

Sec. 5. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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 applicators and noncertified individuals 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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-2-7 Limit on number of noncertified individuals to be supervised (Repealed)

Sec. 7. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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 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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

Rule 3. Financial Responsibility of Commercial Applicators

[355 IAC 4-3-0.5](#)

Definitions (Repealed)

[355 IAC 4-3-1](#)

Proof of financial responsibility

[355 IAC 4-3-2](#)

Minimum coverage amounts

[355 IAC 4-3-3](#)

Type of coverage (Repealed)

[355 IAC 4-3-4](#)

Acceptable proof of insurance form

355 IAC 4-3-0.5 Definitions (Repealed)

Sec. 0.5. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-3-1 Proof of financial responsibility

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

Affected: [IC 15-16-5-48](#); [IC 15-16-5-58](#); [IC 27-1-3-20](#)

Sec. 1. (a) Prior to the issuance of a pesticide business license, applicants shall furnish evidence of financial responsibility acceptable to the state chemist.

(b) Pesticide business licensees must provide the state chemist with updated proof of liability insurance or surety bond whenever the pesticide liability insurance or surety bond expires or is modified. (*State Chemist of the State of Indiana; Pesticide Use & Application Reg 3, Sec 1; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 443; filed Jan 10, 1995, 8:45 a.m.: 18 IR 1238; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:38 p.m.: [20121226-IR-355120134FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#)*)

355 IAC 4-3-2 Minimum coverage amounts

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

Affected: [IC 15-16-5-48](#); [IC 15-16-5-58](#)

Sec. 2. (a) The minimum coverage requirements for a pesticide application business shall be three hundred thousand dollars (\$300,000) general liability combined single limit of liability for bodily injury and property damage.

(b) The minimum coverage requirements for a category 12 wood destroying pest inspection business shall be three hundred thousand dollars (\$300,000) general liability combined single limit of liability for property damage. (*State Chemist of the State of Indiana; Pesticide Use & Application Reg 3, Sec 2; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 444; filed Jan 10, 1995, 8:45 a.m.: 18 IR 1239; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:38 p.m.: [20121226-IR-355120134FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); filed Apr 8, 2015, 12:36 p.m.: [20150506-IR-355150001FRA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#)*)

355 IAC 4-3-3 Type of coverage (Repealed)

Sec. 3. (Repealed by State Chemist of the State of Indiana; filed Apr 8, 2015, 12:36 p.m.: [20150506-IR-355150001FRA](#))

355 IAC 4-3-4 Acceptable proof of insurance form

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

Affected: [IC 15-16-5-48](#); [IC 15-16-5-58](#)

Sec. 4. (a) Proof of liability insurance shall be provided by the issuing insurance company on a certificate of insurance.

(b) The state chemist may be listed as a certificate holder on the certificate of insurance. (*State Chemist of the State of Indiana; Pesticide Use & Application Reg 3, Sec 4; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 444; filed Jan 10, 1995, 8:45 a.m.: 18 IR 1239; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; readopted filed Sep 20, 2007, 1:46 p.m.: [20071010-IR-355070484RFA](#); filed Nov 28, 2012, 2:38 p.m.: [20121226-IR-355120134FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#); filed Apr 8, 2015, 12:36 p.m.: [20150506-IR-355150001FRA](#); readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#)*)

Rule 4. Records

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

[355 IAC 4-4-1.5](#)

Commercial applicator use records

Private applicator use records

[355 IAC 4-4-2](#)
[355 IAC 4-4-3](#)

Record inspection; availability
Restricted pesticide dealers; records

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 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.

(c) Records referenced in subsections (a) and (b) must include the following:

- (1) Name of customer or property owner of the site of application.
- (2) Address, geographic coordinates, or general location description of site of application.
- (3) Name of the responsible commercial applicator.
- (4) License number of the responsible commercial applicator.
- (5) Name of the supervised noncertified applicator, if applicable.
- (6) Date of application (month, day, and year).
- (7) Start and stop times of the application.
- (8) Description of plants, crop, animals, commodity, stored product, or sites treated.
- (9) Principal pests to be controlled.
- (10) Specific acreage, area, parts of a structure, parts of a property, or number of plants or animals treated, or other appropriate description.
- (11) Brand name of pesticide product applied.
- (12) EPA registration number of the pesticide product applied, if applicable.
- (13) Amount of pesticide product used, expressed as either total quantity or volume of:
 - (A) packaged product; or
 - (B) diluted mixture and active ingredient concentration (percentage).

(d) In addition to the information required in paragraph (a) [*sic, subsection (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.

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

(f) If requested, the commercial applicator shall, within thirty (30) days of the pesticide product application date, provide a copy of the records maintained under this section to the person for whom the pesticide product was applied. (*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; filed Dec 5, 2022, 9:43 a.m.: 20230104-IR-355220266FRA*)

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 shall create and maintain records of all applications of pesticides classified for restricted use.

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

(c) The records to be maintained under this section shall be recorded on the date of application and be kept and maintained for a period of two (2) years. (*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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

355 IAC 4-4-2 Record inspection; availability

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

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

Sec. 2. (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 authorized agent. The person requesting the records must present his or her credentials prior to the release of records.

(b) No government agency shall release information obtained under this rule that would directly or indirectly reveal the identity of producers of commodities to which restricted use pesticides have been applied. However, information collected by the state chemist during the course of a complaint or damage investigation shall not be subject to this restriction on release.

(c) 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 private or commercial applicator shall provide the requested information.

(d) As used in this rule, "licensed health care professional" means a physician, nurse, emergency medical technician, or other qualified individual licensed by a state to provide medical treatment.

(e) No licensed health care professional shall release any record or information from any record obtained under subsection (c) except as necessary to provide medical treatment to an individual who may have been exposed to the restricted use pesticide for which the record is maintained. (*State Chemist of the State of Indiana; Pesticide Use & Application Reg 4, Sec 2; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 445; filed Nov 3, 1993, 9:00 a.m.: 17 IR 340; 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](#)*)

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. (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:

- (1) Name 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.
- (7) Date of distribution.
- (8) Brand name of the pesticide product.
- (9) EPA registration number of the pesticide product.
- (10) Amount of pesticide product distributed.
- (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.

(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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

Rule 5. Termite Control Notification and Customer Disclosure

[355 IAC 4-5-1](#)

Definitions (Repealed)

[355 IAC 4-5-2](#)

Customer disclosure and preconstruction notification requirements for licensed termite control applicators for hire

[355 IAC 4-5-3](#)

Requirements for Category 7b applicator license for hire (Repealed)

[355 IAC 4-5-4](#)

Technician registration requirements (Repealed)

[355 IAC 4-5-5](#)

Record submission process (Repealed)

[355 IAC 4-5-6](#)

Supervision of uncertified employees (Repealed)

[355 IAC 4-5-7](#)

New resident applicators; temporary license (Repealed)

[355 IAC 4-5-8](#)

Nonresident applicators; reciprocity (Repealed)

[355 IAC 4-5-9](#)

Denial, suspension, or revocation of technician registration (Repealed)

[355 IAC 4-5-10](#)

Denial of the opportunity to take the category 7b (355 IAC 4-1-3) examination (Repealed)

[355 IAC 4-5-11](#)

Exemption (Repealed)

[355 IAC 4-5-12](#)

Effective date (Repealed)

355 IAC 4-5-1 Definitions (Repealed)

Sec. 1. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

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. (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 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.

(c) Except 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 treatment.

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

- (1) The physical address or geographic coordinates of the application site.
- (2) The date of the application.
- (3) The time the application is scheduled to begin.
- (4) The estimated square footage involved in the initial application.

(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-355090617FRA](#); readopted filed Sep 25, 2013, 11:08 a.m.: [20131023-IR-355130361RFA](#);

readopted filed Nov 26, 2019, 9:30 a.m.: [20191225-IR-355190253RFA](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-5-3 Requirements for Category 7b applicator license for hire (Repealed)

Sec. 3. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-5-4 Technician registration requirements (Repealed)

Sec. 4. (Repealed by State Chemist of the State of Indiana; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

355 IAC 4-5-5 Record submission process (Repealed)

Sec. 5. (Repealed by State Chemist of the State of Indiana; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

355 IAC 4-5-6 Supervision of uncertified employees (Repealed)

Sec. 6. (Repealed by State Chemist of the State of Indiana; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

355 IAC 4-5-7 New resident applicators; temporary license (Repealed)

Sec. 7. (Repealed by State Chemist of the State of Indiana; filed Sep 10, 1999, 4:41 p.m.: 23 IR 306)

355 IAC 4-5-8 Nonresident applicators; reciprocity (Repealed)

Sec. 8. (Repealed by State Chemist of the State of Indiana; filed Sep 10, 1999, 4:41 p.m.: 23 IR 306)

355 IAC 4-5-9 Denial, suspension, or revocation of technician registration (Repealed)

Sec. 9. (Repealed by State Chemist of the State of Indiana; filed Sep 10, 1999, 4:41 p.m.: 23 IR 306)

355 IAC 4-5-10 Denial of the opportunity to take the category 7b (355 IAC 4-1-3) examination (Repealed)

Sec. 10. (Repealed by State Chemist of the State of Indiana; filed Sep 10, 1999, 4:41 p.m.: 23 IR 306)

355 IAC 4-5-11 Exemption (Repealed)

Sec. 11. (Repealed by State Chemist of the State of Indiana; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

355 IAC 4-5-12 Effective date (Repealed)

Sec. 12. (Repealed by State Chemist of the State of Indiana; filed Sep 10, 1999, 4:41 p.m.: 23 IR 306)

Rule 6. Training Requirements for Licensed Applicators and Registered Technicians; Category 3b (Repealed)

(Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

Rule 7. Renewal of Applicator Certification and Technician Registration

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

Definitions (Repealed)

[355 IAC 4-7-2](#)

Commercial applicators; certification renewal standards

[355 IAC 4-7-3](#)

Registered technicians; registration renewal standards

355 IAC 4-7-4	Criteria and procedures for approving CCHs
355 IAC 4-7-5	Private applicators; certification renewal standards
355 IAC 4-7-6	Criteria and procedures for approving PARPs
355 IAC 4-7-7	Regulatory response to violations

355 IAC 4-7-1 Definitions (Repealed)

Sec. 1. (Repealed by State Chemist of the State of Indiana; filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#))

355 IAC 4-7-2 Commercial applicators; certification renewal standards

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

Affected: [IC 15-16-2](#); [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
Category 14	3 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; filed May 12, 2009, 11:20 a.m.: [20090610-IR-355090063FRA](#); 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](#))

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](#); filed Dec 5, 2022, 9:43 a.m.: [20230104-IR-355220266FRA](#)*)

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; 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](#))

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; 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](#))*

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; 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](#))

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; 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](#))

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