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**TITLE 357 INDIANA PESTICIDE REVIEW
BOARD**

Proposed Rule
LSA Document #05-215

DIGEST

Adds 357 IAC 1-12 to establish definitions for the term drift and other related terms and to prohibit anyone from applying a pesticide in a manner that results in drift of the pesticide from the target site in sufficient quantities to cause harm to a nontarget site. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed rule would not impose requirements or costs under IC 4-22-2-24(d)(3). The proposal would establish a clear state definition of pesticide drift and would prohibit applying pesticides in a manner that would allow sufficient quantities of pesticide to move off-target so as to cause harm. Careful use of pesticides and minimizing off-target drift are already required by both federal and state statutes. Therefore, this clarification and establishment of a compliance baseline would not create new requirements or regulatory burdens for pesticide application businesses or other pesticide applicators.

357 IAC 1-12

SECTION 1. 357 IAC 1-12 IS ADDED TO READ AS FOLLOWS:

Rule 12. Pesticide Drift

357 IAC 1-12-1 Definitions

Authority: IC 15-3-3.6-4

Affected: IC 15-3-3.6-14

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

(1) “Drift” means the physical movement of a pesticide through the air at the time of application from the target site to a nontarget site. The term shall not mean the movement of a pesticide, at a time after the application has been made, by any of the following:

- (A) Erosion.
- (B) Volatility after deposition on the target site.
- (C) Windblown soil particles.

(2) “Nontarget site” means any site that is not the intended target site of the pesticide application, including, but not limited to, the following:

- (A) Personal property.
- (B) Public property.
- (C) A body of water.
- (D) A person.
- (E) An animal.
- (F) Livestock.
- (G) Managed bees.
- (H) A commodity.
- (I) A desirable plant.

(3) “Standards” means the legally enforceable limits, as established by state or federal regulations.

(4) “Sufficient quantity to cause harm” means an amount of pesticide that results in any of the following:

- (A) Pesticide residues in excess of established tolerances or standards.
- (B) Documented:

- (i) death;
- (ii) illness;
- (iii) stunting;
- (iv) deformation;
- (v) discoloration; or
- (vi) other effects;

that are detrimental to the nontarget site.

(5) "Target site" means the specific site to which a pesticide was intentionally applied.

(6) "Tolerance" means the maximum amount of a pesticide residue, as established by the U.S. Environmental Protection Agency, that may lawfully remain on or in food or animal feed.

(7) "Volatility" means the ability of a pesticide to move to a nontarget site as a vapor rather than as a:

(A) drift particle; or

(B) spray droplet.

(Indiana Pesticide Review Board; 357 IAC 1-12-1)

357 IAC 1-12-2 Drift restriction

Authority: IC 15-3-3.6-4

Affected: IC 15-3-3.6-14

Sec. 2. A person may not apply a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a nontarget site. *(Indiana Pesticide Review Board; 357 IAC 1-12-2)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 16, 2006 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, Room A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing on a proposed new rule to establish definitions for the term drift and other related terms and to prohibit anyone from applying a pesticide in a manner that results in drift of the pesticide from the intended target site in sufficient quantities to cause harm to a nontarget site.

This proposed rule would not impose any requirements or costs under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, West Lafayette, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

David E. Scott
Secretary
Indiana Pesticide Review Board