

Document: Proposed Rule

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TITLE 357 INDIANA PESTICIDE REVIEW BOARD

Proposed Rule
LSA Document #00-252

DIGEST

Amends 357 IAC 1-3 to provide editorial and technical revisions to the rule pertaining to the distribution of restricted use pesticides. Clarifies the intent to include, as a dealer, those business locations that broker restricted use pesticide sales and distribution. Deletes the requirement to report names of external sales representatives to the state chemist. Effective 30 days after filing with the secretary of state.

357 IAC 1-3-1

357 IAC 1-3-4

357 IAC 1-3-2

357 IAC 1-3-5

357 IAC 1-3-3

SECTION 1. 357 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-3-1 Definitions

Authority: IC 15-3-3.5-10

Affected: IC 15-3-3.5; IC 15-3-3.6-2

Sec. 1. Terms used in this regulation shall be defined in accordance with IC 15-3-3.5 and IC 15-3-3.6 except as follows: **The following definitions apply throughout this rule:**

(a) **(1)** "Business location" ~~shall mean~~ **means the physical site of** each office, warehouse, salesroom or other establishment with a distinct mailing **or electronic** address at which orders for pesticide products with restricted uses are **brokered or** accepted from certified users.

(2) "Certified user" means the following:

(A) A private applicator (IC 15-3-3.6-2(6)).

(B) A commercial applicator (IC 15-3-3.6-2(7)).

(C) A person acting as an agent for and under the direct supervision of clause (A) or (B).

(b) "Restricted use pesticide" shall mean any pesticide product having one or more uses classified as restricted by the administrator of the U.S. Environmental Protection Agency and/or this Board.

(c) **(3)** "Restricted use pesticide dealer" ~~shall mean~~ **any person who distributes pesticide products with business location from which restricted uses use pesticides are distributed or brokered** to certified users.

(d) "Certified user" shall mean:

(1) a private applicator (IC 15-3-3.6-2(6))

(2) a commercial applicator (IC 15-3-3.6-2(7))

(3) persons acting as agents for and under the direct supervision of 1 or 2 above.

(Indiana Pesticide Review Board; Reg 4, Sec 1; filed Jul 14, 1977, 2:26 p.m.; Rules and Regs. 1978, p. 656)

SECTION 2. 357 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-3-2 Restrictions on distribution

Authority: IC 15-3-3.5-10

Affected: IC 15-3-3.5

Sec. 2. Restricted use pesticides shall ~~not~~ be distributed into or within Indiana ~~nor~~ supplied for purposes other than resale to any person who is not a certified user. **only to persons who are certified users, except when such distribution is for resale by a**

restricted use pesticide dealer. (*Indiana Pesticide Review Board; Reg 4,Sec 2; filed Jul 14, 1977, 2:26 p.m.: Rules and Regs. 1978, p. 656*)

SECTION 3. 357 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-3-3 Distribution to certified users by registered dealers only

Authority: IC 15-3-3.5-10

Affected: IC 15-3-3.5; IC 15-3-3.6-12

Sec. 3. Restricted use pesticides shall be distributed ~~or supplied~~ to certified users only by ~~persons~~ **restricted use pesticide dealers** who are registered in accordance with IC 15-3-3.6-12 and in compliance with regulations pertaining thereto. (*Indiana Pesticide Review Board; Reg 4,Sec 3; filed Jul 14, 1977, 2:26 p.m.: Rules and Regs. 1978, p. 656*)

SECTION 4. 357 IAC 1-3-5 IS AMENDED TO READ AS FOLLOWS:

357 IAC 1-3-5 Creation and retention of distribution records

Authority: IC 15-3-3.5-10

Affected: IC 15-3-3.5

Sec. 5. **(a)** Records of distributions of restricted use pesticides **that include all of the items in subsection (c)** shall be maintained **by restricted use pesticide dealers and accessible from the business location of the dealer** for a period of two **(2)** years. ~~at the business location at which the order was accepted from the certified user:~~

(b) All written and electronic documentation relating to the distribution of restricted use pesticides must be retained by the restricted use pesticide dealer until the distribution is recorded as specified in subsection (a).

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

(1) Name, certificate number of the certified user for whom the purchase is being made, and the expiration date of that certificate.

(2) Date of distribution.

(3) EPA registration number and brand name of the product.

(4) Amount of product distributed.

(5) Signature of person ordering or taking delivery of the product.

(*Indiana Pesticide Review Board; Reg 4,Sec 5; filed Jul 14, 1977, 2:26 p.m.: Rules and Regs. 1978, p. 656*)

SECTION 5. 357 IAC 1-3-4 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 29, 2001 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, Room A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing on proposed amendments to provide editorial and technical revisions to the rule pertaining to the distribution of restricted use pesticides. Clarifies the intent to include, as a dealer, those business locations that broker restricted use pesticide sales and distribution. Deletes the requirement to report names of external sales representatives to the state chemist. Copies of these rules are now on file at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Building, West Lafayette 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