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**TITLE 357 INDIANA PESTICIDE REVIEW BOARD**

LSA Document #00-252(F)

**DIGEST**

Amends 357 IAC 1-3 to provide editorial and technical revisions to the rule pertaining to the distribution of restricted use pesticides, clarify the intent to include, as a dealer, those business locations that broker restricted use pesticide sales and distribution, and delete 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 1-3-2**  
**357 IAC 1-3-3**

**357 IAC 1-3-4**  
**357 IAC 1-3-5**

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

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

~~(3)~~ **(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; filed Apr 18, 2001, 3:37 p.m.: 24 IR 2680)*

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; filed Apr 18, 2001, 3:37 p.m.: 24 IR 2680*)

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; filed Apr 18, 2001, 3:37 p.m.: 24 IR 2680*)

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; filed Apr 18, 2001, 3:37 p.m.: 24 IR 2680*)

SECTION 5. 357 IAC 1-3-4 IS REPEALED.

*LSA Document #00-252(F)*

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