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**TITLE 355 STATE CHEMIST OF THE STATE
OF INDIANA**

Proposed Rule
LSA Document #04-311

DIGEST

Amends 355 IAC 4-6-1 and 355 IAC 4-6-3 to delete redundant licensed applicator for hire supervision requirements that are addressed more accurately in another rule, to delete redundant technician registration procedures that are addressed more accurately in another rule, and to delete redundant uncertified applicator supervision requirements that are addressed more accurately in another rule. Repeals 355 IAC 4-6-2, 355 IAC 4-6-4, 355 IAC 4-6-6, and 355 IAC 4-6-10. Effective 30 days after filing with the secretary of state.

355 IAC 4-6-1	355 IAC 4-6-4
355 IAC 4-6-2	355 IAC 4-6-6
355 IAC 4-6-3	355 IAC 4-6-10

SECTION 1. 355 IAC 4-6-1 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-6-1 Definitions

Authority: IC 15-3-3.6-5

Affected: IC 15-3-3.6

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

(1) **“Category 3b licensed applicator for hire”** means any licensed certified individual who is:

(A) employed by a licensed pesticide business to use or to supervise the use of any pesticide **intended to control turf pests** by the business; and

(B) for purposes of this rule, ~~is~~ certified in Category 3b.

~~(2) “Registered technician” means an uncertified person who having met the requirements of section 4 of this rule, is registered by the state chemist and thereby is authorized to engage in pesticide use and related activities for his or her employer while working under the direct supervision of a licensed applicator for hire.~~

~~(3)~~ (2) **“Turf pest”** means any organism that inhabits or feeds upon the turf layer and root zone created by growing plants (usually grasses) and their matted roots and by so doing alters the vigor or appearance of the turf.

(State Chemist of the State of Indiana; 355 IAC 4-6-1; filed Jan 13, 1988, 4:47 p.m.: 11 IR 1760; filed Jan 9, 1992, 3:00 p.m.: 15 IR 702; filed Jan 5, 2000, 3:54 p.m.: 23 IR 1100; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269)

SECTION 2. 355 IAC 4-6-3 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-6-3 Requirements for Category 3b applicator license for hire

Authority: IC 15-3-3.6-5

Affected: IC 15-3-3.6

Sec. 3. To become a **Category 3b** licensed applicator for hire, an individual must ~~do~~ **complete** the following:

(1) ~~Complete~~ One (1) of the following:

(A) A practical hands-on training program reviewed and approved by the state chemist.

(B) 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.

(C) ~~Completion of~~ 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.

(D) One (1) year of experience as an active licensed applicator **in any licensing category** in Indiana or in another state.

(2) ~~Complete The examination process for Category 3b certification as described in 355 IAC 4-1-2.1. and licensing procedures established in 355 IAC 4-0.5 and 355 IAC 4-1.~~

(State Chemist of the State of Indiana; 355 IAC 4-6-3; filed Jan 13, 1988, 4:47 p.m.: 11 IR 1761; filed Jan 9, 1992, 3:00 p.m.: 15 IR 703; filed Jan 5, 2000, 3:54 p.m.: 23 IR 1101; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269)

SECTION 3. THE FOLLOWING ARE REPEALED: 355 IAC 4-6-2; 355 IAC 4-6-4; 355 IAC 4-6-6; 355 IAC 4-6-10.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 12, 2005 at 11:00 a.m., at the Office of the Indiana State Chemist, 175 South University Street, Room A151, West Lafayette, Indiana the State Chemist of the State of Indiana will hold a public hearing on proposed amendments to delete redundant licensed applicator for hire supervision requirements that are addressed more accurately in another rule, to delete redundant technician registration procedures that are addressed more accurately in another rule, and to delete redundant uncertified applicator supervision requirements that are addressed more accurately in another rule. Copies of these rules are now on file at the State Chemist of the State of Indiana, 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 Scott
Pesticide Administrator
State Chemist of the State of Indiana