

CHAPTER 1197

PESTICIDE APPLICATOR CERTIFICATION

S.F. 2055

AN ACT relating to the registration and use of certain pesticides, authorizing a departmental study, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 206.2, subsections 12 and 18, Code Supplement 1987, are amended to read as follows:

12. "Commercial applicator" means ~~any~~ a person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying ~~any a~~ pesticide ~~or servicing any device~~ but ~~shall~~ does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation.

18. "Certified private applicator" means a certified applicator who ~~uses or supervises the use of any pesticide which is classified for restricted use on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.~~

Sec. 2. Section 206.5, unnumbered paragraphs 2 through 4, Code Supplement 1987, are amended to read as follows:

The secretary shall adopt, by rule, requirements for the examination, re-examination, and certification of applicants.

Commercial and public applicators shall choose between one-year certification for which the applicator shall pay a ~~twenty-five~~ thirty dollar fee or three-year certification for which the applicator shall pay a seventy-five dollar fee. Public applicators ~~who are employed by a state agency~~ shall be exempt from the ~~twenty-five~~ thirty and seventy-five dollar certification fees and instead be subject to a ~~five-dollar~~ ten-dollar annual certification fee or a fifteen dollar fee for a three-year certification. The commercial, ~~or public,~~ applicator shall be tested prior to certification annually, if the applicator chooses a one-year certification or each three years if the applicator chooses three-year certification. A ~~or private~~ applicator shall be tested prior to initial certification. In addition, a commercial, public, ~~or private~~ applicator shall be reexamined every three years following initial certification before the applicator is eligible for a renewal of certification. However, a commercial, public, or private applicator need not be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator. The test shall include, but is not limited to, the area of safe handling of agricultural chemicals and the effects of these chemicals on groundwater. The secretary shall also adopt by rule, the criteria for the allowance of the selection of the written or oral examination by a person requiring certification. A person employed by a farmer not solely as a pesticide applicator who applies restricted use pesticides as an incidental

part of the person's general duties or a person who applies restricted use pesticides as an incidental part of a custom farming operation is required to meet the certification requirements of a private applicator.

An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. The secretary shall adopt rules to administer the provisions of this paragraph.

The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification ~~through the administering of an approved exam~~, and a provision for a thirty-day renewal grace period. The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person's duties.

Sec. 3. Section 206.31, subsections 1 through 4, Code Supplement 1987, are amended to read as follows:

1. DEFINITIONS. Notwithstanding section 206.2, as used in this chapter with regard to the application of pesticides used ~~inside the home or injected into the ground around the home for structural pest control~~:

a. "Commercial applicator" means a person, or employee of a person, who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide or servicing a device but shall not include a farmer trading work with another.

b. "Public applicator" means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

c. "Structural pest control" means controlling any pests in, on, or around food handling establishments; human dwellings; institutions such as schools and hospitals; industrial establishments, including warehouses and grain elevators; and any other structures in adjacent areas.

2. ADDITIONAL CERTIFICATION REQUIREMENTS. A person shall not apply a restricted use pesticide ~~inside a home or injected into the ground around a home used for structural pest control~~ without first complying with the certification requirements of this chapter and other restrictions as determined by the secretary.

The secretary shall require applicants for certification as commercial or public applicators of pesticides applied ~~inside a home or injected into the ground around a home for structural pest control~~ to take and pass a written test.

3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The secretary of agriculture shall not issue a commercial applicator license for applying pesticides ~~inside homes or injecting pesticides into ground surrounding homes for structural pest control~~ until the individual engaged in or managing the pesticide application business or employed by the business is certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications.

4. RENEWAL OF APPLICANT'S LICENSE. The secretary of agriculture shall renew an applicant's license for applying pesticides ~~inside homes or injecting pesticides into ground surrounding homes for structural pest control~~ under the classifications for which the applicant is licensed, provided that all of the applicant's personnel who apply pesticides ~~inside homes~~

or inject pesticides into ground surrounding homes for structural pest control have also been certified.

Sec. 4. The department of natural resources, in conjunction with the department of public health, shall conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste. The departments shall submit to the legislative council, the general assembly, and the governor a report, including recommendations for appropriate legislation, on or before January 15, 1989.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 1988

CHAPTER 1198

SOIL AND WATER RESOURCE CONSERVATION PLANS

S.F. 2051

AN ACT relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 467A.4, subsection 4, paragraph b, Code Supplement 1987, is amended to read as follows:

b. To take notice of each district's long-range resource conservation plan established under section 467A.4, in order to keep the commissioners of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and co-operation between them.

Sec. 2. Section 467A.4, subsection 4, paragraphs g and h, Code Supplement 1987, are amended by striking the paragraphs and inserting in lieu thereof the following:

g. To assist each soil and water conservation district in developing a district soil and water resource conservation plan as provided under section 467A.7. The plan shall be developed according to rules adopted by the division to preserve and protect the public interest in the soil and water resources of this state for future generations and for this purpose to encourage, promote, facilitate, and where such public interest requires, to mandate the conservation and proper control of and use of the soil and water resources of this state, by measures including, but not limited to, the control of floods, the control of erosion by water or by wind, the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to the public health, convenience, and welfare, both present and future.

h. To file the district soil and water resource conservation plans as part of a state soil and water resource conservation plan. The state plan shall contain on a statewide basis the information required for a district plan under this section.

Sec. 3. Section 467A.7, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 20. To develop a soil and water resource conservation plan for the district.