

FILED MAR 20 1987

SENATE FILE 479  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES

*(formerly SSB 235)*

*Failed*  
Passed Senate, Date 3-31-87 (p.1003) Passed House, Date 4-21-87 (p.1552)

Vote: Ayes 24 Nays 22 Vote: Ayes 95 Nays 0

Approved June 2, 1987

*Motion to reconsider (p.1003)  
inserted 4/6*

*Reconsidered, amended & Passed  
4-6-87 (p.1101)  
31-14*

**A BILL FOR**

1 An Act relating to the use and application of pesticides and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 479

1 Section 1. Section 206.2, Code 1987, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 29. "Chlordane" means 1,2,4,5,6,7,8,8-  
4 octachloro-4,7-methano-3a,4,7,7a-tetrahydroindane; Octa klor:  
5 1068; Velsicol 1068; Dowklor.

6 Sec. 2. Section 206.20, Code 1987, is amended by adding  
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Chlordane is classified as a  
9 restricted use pesticide.

10 Sec. 3. NEW SECTION. 206.24 APPLICATION OF PESTICIDES IN  
11 AND ABOUT THE HOME.

12 1. DEFINITIONS. Notwithstanding section 206.2, as used in  
13 this chapter with regard to the application of pesticides used  
14 inside the home or injected into the ground around the home:

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

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

23 2. ADDITIONAL CERTIFICATION REQUIREMENTS.

24 A person shall not apply a restricted use pesticide inside  
25 a home or injected into the ground around a home without first  
26 complying with the certification requirements of this chapter  
27 and other restrictions as determined by the secretary.

28 The secretary shall require applicants for certification as  
29 commercial or public applicators of pesticides applied inside  
30 a home or injected into the ground around a home to take and  
31 pass a written test.

32 3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The  
33 secretary of agriculture shall not issue a commercial  
34 applicator license for applying pesticides inside homes or  
35 injecting pesticides into ground surrounding homes until the

1 individual engaged in or managing the pesticide application  
2 business or employed by the business is qualified by passing  
3 an examination to demonstrate to the secretary the  
4 individual's knowledge of how to apply pesticides under the  
5 classifications the individual has applied for, and the  
6 individual's knowledge of the nature and effect of pesticides  
7 the individual may apply under such classifications.

8 4. RENEWAL OF APPLICANT'S LICENSE. The secretary of  
9 agriculture shall renew an applicant's license for applying  
10 pesticides inside homes or injecting pesticides into ground  
11 surrounding homes under the classifications for which the  
12 applicant is licensed, provided that all of the applicant's  
13 personnel who apply pesticides inside homes or inject  
14 pesticides into ground surrounding homes have also been  
15 licensed.

16 EXPLANATION

17 This bill classifies chlordane as a restricted use  
18 pesticide. Under section 206.11 chlordane may not be  
19 distributed to a person who is not certified to use the  
20 restricted pesticide.

21 This bill requires commercial and public applicators who  
22 are applying restricted use pesticides inside homes or  
23 injecting such pesticides into the ground around homes to be  
24 certified. Under current law employees need only be under the  
25 direct supervision of certified applicators and direct  
26 supervision, as defined by chapter 206, does not require the  
27 certified applicator to be physically present at the time the  
28 pesticide is applied.

29 Violations are serious misdemeanors as provided in section  
30 206.22.

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1 Amend Senate File 479 as follows:  
 2 1. Page 1, by inserting after line 5 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 206.19, subsection 2, Code  
 5 1987, is amended to read as follows:  
 6 2. a. Determine the proper use of pesticides  
 7 including but not limited to their formulations, times  
 8 and methods of application, and other conditions of  
 9 use.  
 10 b. With regard to the use of chlordane, the rules  
 11 shall prohibit the use of chlordane injected into the  
 12 ground around a home for any of the following:  
 13 (1) Homes built on concrete slabs with ventilation  
 14 ducts in or below the slabs.  
 15 (2) Homes that have a gap between the bottom of  
 16 the house and the ground.  
 17 (3) Homes with unfinished half-basements and crawl  
 18 spaces.  
 19 (4) Homes which provide foundation drainage  
 20 directly into sanitary sewers.  
 21 However, the rules may allow the use of chlordane  
 22 in homes included in subparagraphs (1) through (3) if  
 23 the homes have a termite infestation and the  
 24 applicator informs the home's residents of the  
 25 potential hazards of the chlordane's use and explains  
 26 methods of abating chlordane contamination."

S-3327

Filed March 30, 1987

*Adopted 3/31/87 (p. 1005)*

BY RICHARD VARN

S-3412

SENATE FILE 479

1 Amend Senate File 479 as follows:  
 2 1. Page 2, by inserting after line 15 the  
 3 following:  
 4 "5. CERTIFICATION OF HOME CHLORDANE APPLICATOR.  
 5 An individual may be certified by the secretary as a  
 6 home chlordane applicator for authorization to use  
 7 chlordane inside the individual's home or injected  
 8 into the ground around the individual's home pursuant  
 9 to the requirements of this chapter. The applicant  
 10 for such certification shall be required to attend an  
 11 approved informational course providing instruction on  
 12 the correct use of chlordane and its hazards. The  
 13 course shall be approved by the secretary and shall be  
 14 at least three hours in length. In addition, the  
 15 applicant shall be required to take and pass a written  
 16 test on the uses and hazards of chlordane and pay a  
 17 fee for the certification.  
 18 The secretary shall adopt by rule, pursuant to  
 19 chapter 17A, requirements for the examination and  
 20 certification of the applicants and set a fee of not  
 21 more than five dollars for certification.  
 22 The secretary may adopt rules for the training of  
 23 home chlordane applicators in cooperation with the  
 24 cooperative extension service at Iowa State University  
 25 of science and technology."

S-3412

Filed April 3, 1987

*Adopted 4/6/87 (p. 1101)*

BY RICHARD VARN

HURLEY W. HALL

LINN FUHRMAN

JAMES D. WELLS



1 Section 1. Section 206.2, Code 1987, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 29. "Chlordane" means 1,2,4,5,6,7,8,8-  
4 octachloro-4,7-methano-3a,4,7,7a-tetrahydroindane; Octa klor:  
5 1068; Velsicol 1068; Dowklor.

6 Sec. 2. Section 206.19, subsection 2, Code 1987, is  
7 amended to read as follows:

8 2. a. Determine the proper use of pesticides including  
9 but not limited to their formulations, times and methods of  
10 application, and other conditions of use.

11 b. With regard to the use of chlordane, the rules shall  
12 prohibit the use of chlordane injected into the ground around  
13 a home for any of the following:

14 (1) Homes built on concrete slabs with ventilation ducts  
15 in or below the slabs.

16 (2) Homes that have a gap between the bottom of the house  
17 and the ground.

18 (3) Homes with unfinished half-basements and crawl spaces.

19 (4) Homes which provide foundation drainage directly into  
20 sanitary sewers.

21 However, the rules may allow the use of chlordane in homes  
22 included in subparagraphs (1) through (3) if the homes have a  
23 termite infestation and the applicator informs the home's  
24 residents of the potential hazards of the chlordane's use and  
25 explains methods of abating chlordane contamination.

26 Sec. 3. Section 206.20, Code 1987, is amended by adding  
27 the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. Chlordane is classified as a  
29 restricted use pesticide.

30 Sec. 4. NEW SECTION. 206.24 APPLICATION OF PESTICIDES IN  
31 AND ABOUT THE HOME.

32 1. DEFINITIONS. Notwithstanding section 206.2, as used in  
33 this chapter with regard to the application of pesticides used  
34 inside the home or injected into the ground around the home:

35 a. "Commercial applicator" means a person, or employee of

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

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

8 2. ADDITIONAL CERTIFICATION REQUIREMENTS.

9 A person shall not apply a restricted use pesticide inside  
10 a home or injected into the ground around a home without first  
11 complying with the certification requirements of this chapter  
12 and other restrictions as determined by the secretary.

13 The secretary shall require applicants for certification as  
14 commercial or public applicators of pesticides applied inside  
15 a home or injected into the ground around a home to take and  
16 pass a written test.

17 3. EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE. The  
18 secretary of agriculture shall not issue a commercial  
19 applicator license for applying pesticides inside homes or  
20 injecting pesticides into ground surrounding homes until the  
21 individual engaged in or managing the pesticide application  
22 business or employed by the business is qualified by passing  
23 an examination to demonstrate to the secretary the  
24 individual's knowledge of how to apply pesticides under the  
25 classifications the individual has applied for, and the  
26 individual's knowledge of the nature and effect of pesticides  
27 the individual may apply under such classifications.

28 4. RENEWAL OF APPLICANT'S LICENSE. The secretary of  
29 agriculture shall renew an applicant's license for applying  
30 pesticides inside homes or injecting pesticides into ground  
31 surrounding homes under the classifications for which the  
32 applicant is licensed, provided that all of the applicant's  
33 personnel who apply pesticides inside homes or inject  
34 pesticides into ground surrounding homes have also been  
35 licensed.

1 5. CERTIFICATION OF HOME CHLORDANE APPLICATOR. An  
2 individual may be certified by the secretary as a home  
3 chlordane applicator for authorization to use chlordane inside  
4 the individual's home or injected into the ground around the  
5 individual's home pursuant to the requirements of this  
6 chapter. The applicant for such certification shall be  
7 required to attend an approved informational course providing  
8 instruction on the correct use of chlordane and its hazards.  
9 The course shall be approved by the secretary and shall be at  
10 least three hours in length. In addition, the applicant shall  
11 be required to take and pass a written test on the uses and  
12 hazards of chlordane and pay a fee for the certification.

13 The secretary shall adopt by rule, pursuant to chapter 17A,  
14 requirements for the examination and certification of the  
15 applicants and set a fee of not more than five dollars for  
16 certification.

17 The secretary may adopt rules for the training of home  
18 chlordane applicators in cooperation with the cooperative  
19 extension service at Iowa State University of science and  
20 technology.

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SENATE FILE 479

H-3696

- 1 Amend Senate File 479 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 35, by striking the word  
4 "licensed" and inserting the following: "certified".  
5 2. Page 3, by inserting after line 20, the  
6 following:  
7 "Sec. \_\_\_\_ . CHLORDANE ADVISORY COMMITTEE CREATED.  
8 1. A chlordane advisory committee is created. The  
9 advisory committee shall consist of the chief  
10 administrator of each of the following organizations  
11 or the administrator's designee:  
12 a. The department of agriculture and land  
13 stewardship.  
14 b. The environmental protection division of the  
15 department of natural resources.  
16 c. The State University of Iowa department of  
17 preventative medicine and environmental health.  
18 d. The Iowa department of public health.  
19 e. The state hygienic laboratory.  
20 2. The advisory committee shall study the effects  
21 of chlordane application and shall, by January 1,  
22 1988, report to the environmental protection and  
23 energy committees of the general assembly its  
24 recommendations for the safe use and regulation of  
25 chlordane.  
26 3. This section is repealed January 1, 1988."  
27 3. By renumbering as necessary.

BY COMMITTEE ON ENERGY AND  
ENVIRONMENTAL PROTECTION

H-3696 FILED APRIL 10, 1987

*Adopted 4/21/87 (p. 1552)*

SENATE FILE 479

H-3877

- 1 Amend Senate File 479 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 22, by striking the word  
4 "qualified" and inserting the following: "certified".

H-3877 FILED APRIL 20, 1987

BY JOHNSON of Winneshiek

*Adopted 4/21/87 (p. 1552)*

HOUSE AMENDMENT TO  
SENATE FILE 479

S-3753

- 1 Amend Senate File 479 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 22, by striking the word  
4 "qualified" and inserting the following: "certified".  
5 2. Page 2, line 35, by striking the word  
6 "licensed" and inserting the following: "certified".  
7 3. Page 3, by inserting after line 20, the  
8 following:  
9 "Sec. \_\_\_\_ . CHLORDANE ADVISORY COMMITTEE CREATED.  
10 1. A chlordane advisory committee is created. The  
11 advisory committee shall consist of the chief  
12 administrator of each of the following organizations  
13 or the administrator's designee:  
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17 department of natural resources.  
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23 of chlordane application and shall, by January 1,  
24 1988, report to the environmental protection and  
25 energy committees of the general assembly its  
26 recommendations for the safe use and regulation of  
27 chlordane.  
28 3. This section is repealed January 1, 1988."  
29 4. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

S-3753

Filed April 23, 1987

*Senate concurred 5/5/87 (p. 1692)*

RECEIVED FROM THE HOUSE

SSB #235  
Environment and Energy  
Utilities

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ENVIRONMENT AND ENERGY  
UTILITIES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the use and application of pesticides and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS  
CHAIR: *Varn*  
COMMITTEE: *Environment*  
*3/19/87*

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2 the following new subsection:

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11 AND ABOUT THE HOME.

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16 a person, who enters into a contract or an agreement for the  
17 sake of monetary payment and agrees to perform a service by  
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19 include a farmer trading work with another.

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21 pesticides as an employee of a state agency, county, municipal  
22 corporation, or other governmental agency.

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12 applicant is licensed, provided that all of the applicant's  
13 personnel who apply pesticides inside homes or inject  
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16 EXPLANATION

17 This bill classifies chlordane as a restricted use  
18 pesticide. Under section 206.11 chlordane may not be  
19 distributed to a person who is not certified to use the  
20 restricted pesticide.

21 This bill requires commercial and public applicators who  
22 are applying restricted use pesticides inside homes or  
23 injecting such pesticides into the ground around homes to be  
24 certified. Under current law employees need only be under the  
25 direct supervision of certified applicators and direct  
26 supervision, as defined by chapter 206, does not require the  
27 certified applicator to be physically present at the time the  
28 pesticide is applied.

29 Violations are serious misdemeanors as provided in section  
30 206.22.

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SENATE FILE 479

AN ACT

RELATING TO THE USE AND APPLICATION OF PESTICIDES AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 206.2, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 29. "Chlordane" means 1,2,4,5,6,7,8,8-octachloro-4,7-methano-3a,4,7,7a-tetrahydroindane; Octa klor: 1068; Velsicol 1068; Dowklor.

Sec. 2. Section 206.19, subsection 2, Code 1987, is amended to read as follows:

2. a. Determine the proper use of pesticides including but not limited to their formulations, times and methods of application, and other conditions of use.

b. With regard to the use of chlordane, the rules shall prohibit the use of chlordane injected into the ground around a home for any of the following:

- (1) Homes built on concrete slabs with ventilation ducts in or below the slabs.
- (2) Homes that have a gap between the bottom of the house and the ground.
- (3) Homes with unfinished half-basements and crawl spaces.
- (4) Homes which provide foundation drainage directly into sanitary sewers.

However, the rules may allow the use of chlordane in homes included in subparagraphs (1) through (3) if the homes have a termite infestation and the applicator informs the home's residents of the potential hazards of the chlordane's use and explains methods of abating chlordane contamination.

Sec. 3. Section 206.20, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Chlordane is classified as a restricted use pesticide.

Sec. 4. NEW SECTION. 206.24 APPLICATION OF PESTICIDES IN AND ABOUT THE HOME.

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:

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.

2. ADDITIONAL CERTIFICATION REQUIREMENTS. A person shall not apply a restricted use pesticide inside a home or injected into the ground around a home 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 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 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 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 have also been certified.

5. CERTIFICATION OF HOME CHLORDANE APPLICATOR. An individual may be certified by the secretary as a home chlordane applicator for authorization to use chlordane inside the individual's home or injected into the ground around the individual's home pursuant to the requirements of this chapter. The applicant for such certification shall be required to attend an approved informational course providing instruction on the correct use of chlordane and its hazards. The course shall be approved by the secretary and shall be at least three hours in length. In addition, the applicant shall be required to take and pass a written test on the uses and hazards of chlordane and pay a fee for the certification.

The secretary shall adopt by rule, pursuant to chapter 17A, requirements for the examination and certification of the applicants and set a fee of not more than five dollars for certification.

The secretary may adopt rules for the training of home chlordane applicators in cooperation with the cooperative extension service at Iowa State University of science and technology.

Sec. 5. CHLORDANE ADVISORY COMMITTEE CREATED.

1. A chlordane advisory committee is created. The advisory committee shall consist of the chief administrator of each of the following organizations or the administrator's designee:

- a. The department of agriculture and land stewardship.
- b. The environmental protection division of the department of natural resources.

c. The State University of Iowa department of preventative medicine and environmental health.

d. The Iowa department of public health.

e. The state hygienic laboratory.

2. The advisory committee shall study the effects of chlordane application and shall, by January 1, 1988, report to the environmental protection and energy committees of the general assembly its recommendations for the safe use and regulation of chlordane.

3. This section is repealed January 1, 1988.

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JO ANN ZIMMERMAN  
President of the Senate

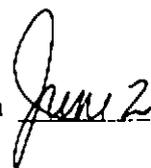
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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 479, Seventy-second General Assembly.

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JOHN P. DWYER  
Secretary of the Senate

Approved  , 1987

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TERRY E. BRANSTAD  
Governor