

Reprinted 1/88

FILED JAN 19 1988

SENATE FILE 2055
BY COMMITTEE ON AGRICULTURE
(formerly 55B*2007)
Approved 1/19 (p. 121)

Passed Senate, Date 1-26-88 (p. 120) Passed House, Date 4/12/88 (p. 1797)
Vote: Ayes 42 Nays 0 Vote: Ayes 94 Nays 5
Approved May 9, 1988

A BILL FOR

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

SF 2055

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1 Section 1. Section 206.2, subsection 18, Code Supplement
2 1987, is amended to read as follows:

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

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

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

14 Commercial and public applicators shall choose between one-
15 year certification for which the applicator shall pay a
16 twenty-five dollar fee or three-year certification for which
17 the applicator shall pay a seventy-five dollar fee. Public
18 applicators who are employed by a state agency shall be exempt
19 from the twenty-five and seventy-five dollar certification
20 fees and instead be subject to a five-dollar annual
21 certification fee or a fifteen dollar fee for a three-year
22 certification. ~~The commercial, or public, applicator shall be~~
23 ~~tested prior to certification annually, if the applicator~~
24 ~~chooses a one-year certification or each three years if the~~
25 ~~applicator chooses three-year certification.~~ ~~A~~ or private
26 applicator shall be tested by written or oral examination as
27 chosen by the applicator prior to initial certification.

28 However, a commercial or public applicator need not be
29 certified to apply pesticides for a two week period if the
30 application is necessary to remove an infestation of pests
31 which poses a substantial and immediate risk to health or
32 property. The supervising applicator shall immediately notify
33 the secretary of the commencement and the termination of the
34 application. The test shall include, but is not limited to,
35 the area of safe handling of agricultural chemicals and the

1 effects of these chemicals on groundwater. A person employed
2 by a farmer not solely as a pesticide applicator who applies
3 restricted use pesticides as an incidental part of the
4 person's general duties or a person who applies restricted use
5 pesticides as an incidental part of a custom farming operation
6 is not required to meet the certification requirements of a
7 private applicator.

8 The secretary may adopt rules to provide for license and
9 certification adjustments, including fees, which may be
10 necessary to provide for an equitable transition for licenses
11 and certifications issued prior to January 1, 1989. The rules
12 shall also include a provision for renewal of certification
13 ~~through the administering of an approved exam~~ and a provision
14 for a thirty-day renewal grace period.

15 Sec. 3. Section 206.12, subsection 3, Code Supplement
16 1987, is amended to read as follows:

17 3. The registrant, before selling or offering for sale any
18 pesticide in this state, shall register each brand and grade
19 of such pesticide with the secretary upon forms furnished by
20 the secretary, and the secretary shall set the registration
21 fee annually at one-fifth of one percent of gross sales within
22 this state with a minimum fee of two hundred fifty dollars and
23 a maximum fee of three thousand dollars for each and every
24 brand and grade to be offered for sale in this state. The
25 secretary shall adopt by rule exemptions to the minimum fee,
26 including exemptions for pesticides designated by the
27 secretary which are designed to control a specific variety of
28 pests or plants and which are not commonly used in this state
29 by commercial, public, or private applicators. Fifty dollars
30 of each fee collected shall be deposited in the treasury to
31 the credit of the pesticide fund to be used only for the
32 purpose of enforcing the provisions of this chapter and the
33 remainder of each fee collected shall be placed in the
34 agriculture management account of the groundwater protection
35 fund.

EXPLANATION

1
2 This bill provides that a person supervising the use, on
3 one's own property or on the property of another without
4 direct compensation, of a pesticide which is classified for
5 restricted use must be certified as a private applicator.
6 However a person employed by a farmer not solely as a
7 pesticide applicator or who applies a restricted use pesticide
8 as an incidental part of a custom farming operation is not
9 required to be certified.

10 The bill provides that a commercial, public, or private
11 applicator must be tested for certification prior to initial
12 certification, that the test may be by either written or oral
13 examination, and that the certification requirement may be
14 suspended if there is an emergency infestation of pests. The
15 bill also exempts from a registration fee certain use-specific
16 pesticides which are not commonly used by applicators.

17 SUCCESSOR TO SENATE STUDY BILL 2007 (LSB 7626SC)

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SENATE FILE 2055

S-5008

1 Amend Senate File 2055 as follows:

2 1. Page 2, by inserting after line 7 the follow-
3 ing:

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

S-5008

Filed January 20, 1988

Adopted as amended by S-5017 (1/26/88)

BY JAMES D. WELLS
KENNETH SCOTT
JOHN W. JENSEN

SENATE FILE 2055

S-5014

1 Amend Senate File 2055 as follows:

2 1. Page 1, line 28, by striking the words
3 "commercial or public" and inserting the following:
4 "commercial, public, or private".

5 2. Page 2, line 4, by striking the words "duties
6 or" and inserting the following: "duties, or".

7 3. Page 2, line 5, by striking the word
8 "operation" and inserting the following: "operation,
9 or a person who applies a restricted use pesticide
10 under the direct supervision of a certified
11 commercial, public, or private applicator".

S-5014

Filed January 25, 1988

Adopted 1/26/88

BY BERL E. PRIEBE

SENATE FILE 2055

S-5017

1 Amend amendment S-5008 to Senate File 2055 as
2 follows:

3 1. Page 1, line 10, by striking the word "additional".

S-5017

Filed January 25, 1988

Adopted 1/26/88

BY JAMES D. WELLS

SENATE FILE 2055

S-5021

1 Amend Senate File 2055 as follows:

2 1. Page 1, line 13, by striking the words
3 "examination; reexamination" and inserting the
4 following: "examination, reexamination,"

A 5 2. Page 1, line 27, by inserting after the word
6 "certification." the following: "In addition, a
7 commercial, public, or private applicator shall be
8 reexamined every three years following initial
9 certification before the applicator is eligible for a
10 renewal of certification."

11 3. Page 2, by striking line 13 and inserting the
12 following: "through the administering of an approved
13 exam, and a provision".

14 4. Page 2, by inserting after line 14 the
15 following:

16 "Sec. ____ . Section 206.5, Code Supplement 1987, is
17 amended by adding the following new unnumbered
18 paragraph:

B 19 NEW UNNUMBERED PARAGRAPH. Before renewal of a
20 certification, a commercial or public applicator shall
21 furnish to the secretary proof that the applicator has
22 attended, for each year since the last certification,
23 at least two hours of continuing education courses
24 relating to the use of pesticides. A course shall not
25 count toward the hours required for continuing
26 education unless approved by the secretary. The
27 secretary and the cooperative extension service at
28 Iowa State University of science and technology shall
29 cooperate in providing continuing education courses."

30 5. By renumbering as necessary.

S-5021

Filed January 26, 1988

Div. A-ADOPTED

Div. B-WITHDRAWN

BY JIM RIORDAN
LINN FUHRMAN

Copy 1/27/88

1 Section 1. Section 206.2, subsection 18, Code Supplement
2 1987, is amended to read as follows:

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

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

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

14 Commercial and public applicators shall choose between one-
15 year certification for which the applicator shall pay a
16 twenty-five dollar fee or three-year certification for which
17 the applicator shall pay a seventy-five dollar fee. Public
18 applicators who are employed by a state agency shall be exempt
19 from the twenty-five and seventy-five dollar certification
20 fees and instead be subject to a five-dollar annual
21 certification fee or a fifteen dollar fee for a three-year
22 certification. The commercial, or public, applicator shall be
23 tested prior to certification annually, if the applicator
24 chooses a one-year certification or each three years if the
25 applicator chooses three-year certification.--A or private
26 applicator shall be tested by written or oral examination as
27 chosen by the applicator prior to initial certification. In
28 addition, a commercial, public, or private applicator shall be
29 reexamined every three years following initial certification
30 before the applicator is eligible for a renewal of
31 certification. However, a commercial, public, or private
32 applicator need not be certified to apply pesticides for a two
33 week period if the application is necessary to remove an
34 infestation of pests which poses a substantial and immediate
35 risk to health or property. The supervising applicator shall

1 immediately notify the secretary of the commencement and the
2 termination of the application. The test shall include, but
3 is not limited to, the area of safe handling of agricultural
4 chemicals and the effects of these chemicals on groundwater.
5 A person employed by a farmer not solely as a pesticide
6 applicator who applies restricted use pesticides as an
7 incidental part of the person's general duties, or a person
8 who applies restricted use pesticides as an incidental part of
9 a custom farming operation, or a person who applies a
10 restricted use pesticide under the direct supervision of a
11 certified commercial, public, or private applicator is not
12 required to meet the certification requirements of a private
13 applicator.

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

23 The secretary may adopt rules to provide for license and
24 certification adjustments, including fees, which may be
25 necessary to provide for an equitable transition for licenses
26 and certifications issued prior to January 1, 1989. The rules
27 shall also include a provision for renewal of certification
28 ~~through the administering of an approved exam,~~ and a provision
29 for a thirty-day renewal grace period.

30 Sec. 3. Section 206.12, subsection 3, Code Supplement
31 1987, is amended to read as follows:

32 3. The registrant, before selling or offering for sale any
33 pesticide in this state, shall register each brand and grade
34 of such pesticide with the secretary upon forms furnished by
35 the secretary, and the secretary shall set the registration

3300 ends page

1 fee annually at one-fifth of one percent of gross sales within
2 this state with a minimum fee of two hundred fifty dollars and
3 a maximum fee of three thousand dollars for each and every
4 brand and grade to be offered for sale in this state. The
5 secretary shall adopt by rule exemptions to the minimum fee,
6 including exemptions for pesticides designated by the
7 secretary which are designed to control a specific variety of
8 pests or plants and which are not commonly used in this state
9 by commercial, public, or private applicators. Fifty dollars
10 of each fee collected shall be deposited in the treasury to
11 the credit of the pesticide fund to be used only for the
12 purpose of enforcing the provisions of this chapter and the
13 remainder of each fee collected shall be placed in the
14 agriculture management account of the groundwater protection
15 fund.

4300

16 SUCCESSOR TO SENATE STUDY BILL 2007 (LSB 7626SC)

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SENATE FILE 2055

H-5860

1 Amend Senate File 2055 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 9.

4 2. Page 1, line 16, by striking the word "twenty-
5 five" and inserting the following: "twenty-five
6 thirty".

7 3. Page 1, line 18, by striking the words "who
8 are employed by a state agency" and inserting the
9 following: "~~who-are-employed-by-a-state-agency~~".

10 4. Page 1, line 19, by striking the word "twenty-
11 five" and inserting the following: "twenty-five
12 thirty".

13 5. Page 1, line 20, by striking the word "five-
14 dollar" and inserting the following: "~~five-dollar~~
15 ten-dollar".

16 6. Page 1, by striking lines 26 and 27 and
17 inserting the following: "applicator shall be tested
18 prior to initial certification. In".

19 7. By striking page 1, line 31 through page 2,
20 line 2, and inserting as following: "certification.
21 However, a commercial, public, or private applicator
22 need not be certified to apply pesticides for a period
23 of fifteen days from the date of initial employment if
24 the commercial, public, or private applicator is under
25 the direct supervision of a certified applicator. For
26 the purposes of this section, "under the direct
27 supervision of" means that the application of a
28 pesticide is made by a competent person acting under
29 the instructions and control of a certified applicator
30 who is physically present, by being in sight or
31 hearing distance of the supervised person. The test
32 shall include, but".

33 8. Page 2, line 4, by inserting after the word
34 "groundwater." the following: "The secretary shall
35 also adopt by rule, the criteria for the allowance of
36 the selection of the written or oral examination by a
37 person requiring certification."

38 9. Page 2, line 7, by striking the word ", or"
39 and inserting the following: "or".

40 10. Page 2, by striking lines 9 through 11 and
41 inserting the following: "a custom farming operation
42 is".

43 11. Page 2, line 19, by inserting after the word
44 "training" the following: ", testing,".

45 12. Page 2, line 29, by inserting after the word
46 "period." the following: "The secretary shall also
47 adopt rules which allow for an exemption from
48 certification for a person who uses certain services
49 and is not solely a pesticide applicator, but who uses
50 the services as an incidental part of the person's

H-5860

Page 2

1 duties."

2 13. By striking page 2, line 30 through page 3,

3 line 15.

By COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION ROSENBERG of Story

H-5860 FILED MARCH 24, 1988

SENATE FILE 2055

H-6012

1 Amend the House amendment H-5860, to Senate File
2 2055 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, line 23, by striking the word
5 "fifteen" and inserting the following: "thirty".

By LUNDBY of Linn

H-6012 FILED MARCH 29, 1988

w/2 4/12 (p. 1795)

SENATE FILE 2055
AS AMENDED BY H-5933
FISCAL NOTE

In compliance with a written request received March 30, 1988, a fiscal note for Senate File 2055 as amended by H-5933 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2055 relates to the examination and re-examination of pesticide applicators and exemptions from certification requirements. H-5993 relates to pesticide dealers, dealer license fees, and dealer registration fees.

H-5993 changes the dealer license fees from \$25 or one tenth of one percent of the gross retail sales of all pesticides sold in the previous year, to a fee schedule based upon total gross retail pesticide sales.

H-5993 changes the dealer registration fee from a fee based on one fifth of one percent of gross sales with a minimum fee of \$250 and a maximum fee of \$3,000 for each brand and grade to be offered for sale in the State, to a fee schedule based upon the type of pesticide offered for sale.

FISCAL EFFECT

The Department of Agriculture and Land Stewardship estimates that H-5993 would increase the amount of revenue generated by \$288,792 for FY 1989. The Pesticide Trust Fund would be increased by \$275,000 and the Agricultural Management Account would be increased by \$13,798. Administrative expenses would increase by \$19,000, due to the addition of approximately 10,000 dealer licenses for retailers of agricultural lawn and garden pesticides.

ASSUMPTIONS

1. 10,000 pesticide retailers currently not required to be licensed would now be required to be licensed.
2. 1,000 discontinued pesticide registrations would be registered as discontinued products for the next two years.
3. The breakdown for determining the number of dealers for each sales volume category is only an estimate and not based on any current available data.
4. One Clerk Typist II would be hired to handle additional dealer licenses.

-2-

(dollars in thousands)

	Fiscal Year 1989			Fiscal Year 1990		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
REVENUE						
Pesticide Fund	\$ 355	\$ 630	\$ 275	\$ 355	\$ 630	\$ 275
Ag. Mgmt. Account	1,743	1,757	14	1,743	1,757	14
Total	\$ 2,098	\$ 2,387	\$ 289	\$ 2,098	\$ 2,387	\$ 289
EXPENDITURES						
Salaries (FTE's)	\$ 0	\$ 15 (1.0)	\$ 15 (1.0)	\$ 0	\$ 15 (1.0)	\$ 15 (1.0)
Support	0	4	4	0	4	4
Total	\$ 0	\$ 19	\$ 19	\$ 0	\$ 19	\$ 19
NET EFFECT	\$ 2,098	\$ 2,368	\$ 270	\$ 2,098	\$ 2,368	\$ 270

SOURCE: Department of Agriculture and Land Stewardship

(LSB 7626s, JKH)

FILED MARCH 30, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2055

H-5933

1 Amend Senate File 2055, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by striking the word and
4 figure "subsection 18" and inserting the following:
5 "subsections 18 and 24".

6 2. Page 1, line 2, by striking the word "is" and
7 inserting the following: "are".

8 3. Page 1, by inserting after line 9 the
9 following:

10 24. The term "pesticide dealer" means any person
11 who distributes restricted use pesticides; pesticide
12 for use by commercial or public pesticide applicators;
13 or general use pesticides labeled for agricultural or
14 lawn and garden use ~~with-the-exception-of-dealers~~
15 ~~whose-gross-annual-pesticide-sales-are-less-than-ten~~
16 ~~thousand-dollars-for-each-business-location-owned-or~~
17 ~~operated-by-the-dealer."~~

18 4. Page 2, by inserting after line 29, the
19 following:

20 "Sec. _____. Section 206.8, subsections 2 and 4,
21 Code Supplement 1987, are amended to read as follows:

22 2. a. A retail pesticide dealer shall pay a
23 minimum an annual license fee of twenty-five dollars
24 or an annual license fee based on one-tenth of one
25 percent of the gross retail sales of all pesticides
26 sold by the pesticide dealer in the previous year in
27 accordance with the following schedule based upon
28 total gross retail pesticide sales.

29 (1) Twenty-five dollars for annual gross retail
30 pesticide sales of ten thousand dollars or less.

31 (2) One hundred dollars for annual gross retail
32 pesticide sales of more than ten thousand through
33 fifty thousand dollars.

34 (3) Two hundred dollars for annual gross retail
35 pesticide sales of more than fifty thousand dollars,
36 through one hundred thousand dollars.

37 (4) Five hundred dollars for annual gross retail
38 pesticide sales of more than one hundred thousand
39 dollars through two hundred and fifty thousand
40 dollars.

41 (5) One thousand dollars for annual gross retail
42 pesticide sales of more than two hundred fifty
43 thousand dollars.

44 The license shall indicate that the person is a retail
45 pesticide dealer.

46 b. An annual report shall accompany the license
47 application requesting a total gross retail pesticide
48 sales figure from each retail dealer. The annual
49 license fee shall be paid to the department of
50 agriculture and land stewardship, beginning July 1.

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Page 2

1 1988, and July 1 of each year thereafter. A licensee
2 shall pay a fee of twenty-five dollars for the period
3 July 1, 1987, through June 30, 1988.

4 The initial twenty-five dollars of each annual
5 license fee shall be retained by the department for
6 administration of the program, and the remaining
7 moneys collected shall be deposited in the agriculture
8 management account of the groundwater protection fund.

9 4. Application for a license required for
10 manufacturers and distributors who are not engaged in
11 the retail sale of pesticides shall be accompanied by
12 a twenty-five dollar fee for each business location
13 within the state required to be licensed, and shall be
14 on a form prescribed by the secretary. The license
15 shall indicate if the person is a wholesale pesticide
16 dealer."

17 5. By striking page 2, line 32 through page 3,
18 line 15, and inserting the following:

19 "3. a. The registrant, before selling or offering
20 for sale any pesticide in this state, shall register
21 each brand and grade of such pesticide with the
22 secretary upon forms furnished by the secretary, and
23 the secretary shall set the annual registration fee
24 ~~annually at one-fifth of one percent of gross sales~~
25 ~~within this state with a minimum fee of two hundred~~
26 ~~fifty dollars and a maximum fee of three thousand~~
27 ~~dollars for each and every brand and grade to be~~
28 ~~offered for sale in this state in accordance with the~~
29 ~~following schedule:~~

30 (1) Five hundred dollars for a restricted use
31 pesticide.

32 (2) Two hundred fifty dollars for a general use
33 pesticide.

34 (3) One hundred dollars for a low volume-pest
35 specific pesticide.

36 (4) Fifty dollars for a pesticide no longer manu-
37 factured, to be paid annually for three years
38 following the discontinuation of the pesticide.

39 ~~b. The secretary shall adopt by rule exemptions to~~
40 ~~the minimum fee. Fifty dollars of each fee collected~~
41 ~~shall be deposited in the treasury to the credit of~~
42 ~~the pesticide fund to be used only for the purpose of~~
43 ~~enforcing the provisions of this chapter and the~~
44 ~~remainder of each fee collected shall be placed in the~~
45 ~~agriculture management account of the groundwater~~
46 ~~protection fund.~~

47 Sec. ____ . Section 206.12, subsection 7, Code
48 Supplement 1987, is amended by striking the
49 subsection."

50 6. Title page, by striking lines 1 and 2 and

-2-

H-5933

Page 3

Inserting the following: "An Act relating to
2 pesticides and fertilizers and appropriating funds."

By LUNDRY of Linn

H-5933 FILED MARCH 28, 1988

w/25 4/12 (p. 1796)

SENATE FILE 2055

H-6383

1 Amend Senate File 2055 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 15, the
4 following:

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

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

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

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

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

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

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

39 3. Examination for commercial applicator license.
40 The secretary of agriculture shall not issue a
41 commercial applicator license for applying pesticides
42 ~~inside-homes-or-injecting-pesticides-into-ground~~
43 surrounding-homes for structural pest control until
44 the individual engaged in or managing the pesticide
45 application business or employed by the business is
46 certified by passing an examination to demonstrate to
47 the secretary the individual's knowledge of how to
48 apply pesticides under the classifications the
49 individual has applied for, and the individual's
50 knowledge of the nature and effect of pesticides the

H-6383

Page 2

1 individual may apply under such classifications.
2 4. Renewal of applicant's license. The secretary
3 of agriculture shall renew an applicant's license for
4 applying pesticides inside-homes-or-injecting
5 pesticides-into-ground-surrounding-homes for
6 structural pest control under the classifications for
7 which the applicant is licensed, provided that all of
8 the applicant's personnel who apply pesticides inside
9 homes-or-inject-pesticides-into-ground-surrounding
10 homes for structural pest control have also been
11 certified.

By JOHNSON of Winneshiek

H-6383 FILED APRIL 12, 1988

ADOPTED (p. 1797)

SENATE FILE 2055

H-6406

1 Amend the amendment, H-5860, to Senate File 2055,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 23, by striking the word
5 "fifteen" and inserting the following: "twenty-one".
6 2. Page 1, line 31, by inserting after the word
7 "person." the following: "A commercial applicator who
8 applies pesticides to agricultural land may, in lieu
9 of the requirement of direct supervision, elect to be
10 exempt from the certification requirements for a
11 commercial applicator for a period of twenty-one days,
12 if the applicator meets the requirements of a private
13 applicator."

By PAULIN of Plymouth
OSTERBERG of Linn

H-6406 FILED APRIL 12, 1988

ADOPTED (p. 1796)

SENATE FILE 2055

H-6382

1 Amend the amendment H-5860, to Senate File 2055, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 3, by striking the figure "9."
5 and inserting the following: "9 and inserting the
6 following:
7 "Sec. . . . Section 206.2, subsection 12, Code
8 Supplement 1987, is amended to read as follows:
9 12. "Commercial applicator" means any a person,
10 corporation, or employee of a person or corporation
11 who enters into a contract or an agreement for the
12 sake of monetary payment and agrees to perform a
13 service by applying any a pesticide or servicing-any
14 device but shall does not include a farmer trading
15 work with another, a person employed by a farmer not
16 solely as a pesticide applicator who applies pesticide
17 as an incidental part of the person's general duties,
18 or a person who applies pesticide as an incidental
19 part of a custom farming operation.""

By JOHNSON of Winneshiek

H-6382 FILED APRIL 12, 1988

ADOPTED (p. 1795)

HOUSE AMENDMENT TO
SENATE FILE 2055

S-5996

1 Amend Senate File 2055 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:

5 "Sec. ____ Section 206.2, subsection 12, Code
6 Supplement 1987, is amended to read as follows:

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

18 2. Page 1, line 16, by striking the word "twenty-
19 five" and inserting the following: "twenty-five
20 thirty".

21 3. Page 1, line 18, by striking the words "who
22 are employed by a state agency" and inserting the
23 following: "~~who-are-employed-by-a-state-agency~~".

24 4. Page 1, line 19, by striking the word "twenty-
25 five" and inserting the following: "twenty-five
26 thirty".

27 5. Page 1, line 20, by striking the word "five-
28 dollar" and inserting the following: "~~five-dollar~~
29 ten-dollar".

30 6. Page 1, by striking lines 26 and 27 and
31 inserting the following: "applicator shall be tested
32 prior to initial certification. In".

33 7. By striking page 1, line 31 through page 2,
34 line 2, and inserting as following: "certification.
35 However, a commercial, public, or private applicator
36 need not be certified to apply pesticides for a period
37 of twenty-one days from the date of initial employment
38 if the commercial, public, or private applicator is
39 under the direct supervision of a certified
40 applicator. For the purposes of this section, "under
41 the direct supervision of" means that the application
42 of a pesticide is made by a competent person acting
43 under the instructions and control of a certified
44 applicator who is physically present, by being in
45 sight or hearing distance of the supervised person. A
46 commercial applicator who applies pesticides to
47 agricultural land may, in lieu of the requirement of
48 direct supervision, elect to be exempt from the
49 certification requirements for a commercial applicator
50 for a period of twenty-one days, if the applicator

1 meets the requirements of a private applicator. The
2 test shall include, but".

3 8. Page 2, line 4, by inserting after the word
4 "groundwater." the following: "The secretary shall
5 also adopt by rule, the criteria for the allowance of
6 the selection of the written or oral examination by a
7 person requiring certification."

8 9. Page 2, line 7, by striking the word "or"
9 and inserting the following: "or".

10 10. Page 2, by striking lines 9 through 11 and
11 inserting the following: "a custom farming operation
12 is".

13 11. Page 2, line 19, by inserting after the word
14 "training" the following: ", testing,".

15 12. Page 2, line 29, by inserting after the word
16 "period." the following: "The secretary shall also
17 adopt rules which allow for an exemption from
18 certification for a person who uses certain services
19 and is not solely a pesticide applicator, but who uses
20 the services as an incidental part of the person's
21 duties."

22 13. By striking page 2, line 30 through page 3,
23 line 15.

24 14. Page 3, by inserting after line 15, the
25 following:

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

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

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

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

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

48 2. ADDITIONAL CERTIFICATION REQUIREMENTS. A
49 person shall not apply a restricted use pesticide
50 ~~inside-a-home-or-injected-into-the-ground-around-a~~

1 home used for structural pest control without first
2 complying with the certification requirements of this
3 chapter and other restrictions as determined by the
4 secretary.

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

10 3. Examination for commercial applicator license.
11 The secretary of agriculture shall not issue a
12 commercial applicator license for applying pesticides
13 ~~inside-homes-or-injecting-pesticides-into-ground~~
14 surrounding-homes for structural pest control until
15 the individual engaged in or managing the pesticide
16 application business or employed by the business is
17 certified by passing an examination to demonstrate to
18 the secretary the individual's knowledge of how to
19 apply pesticides under the classifications the
20 individual has applied for, and the individual's
21 knowledge of the nature and effect of pesticides the
22 individual may apply under such classifications.

23 4. Renewal of applicant's license. The secretary
24 of agriculture shall renew an applicant's license for
25 applying pesticides ~~inside-homes-or-injecting~~
26 pesticides-into-ground-surrounding-homes for
27 structural pest control under the classifications for
28 which the applicant is licensed, provided that all of
29 the applicant's personnel who apply pesticides ~~inside~~
30 homes-or-inject-pesticides-into-ground-surrounding
31 homes for structural pest control have also been
32 certified.

33 15. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S-5996

Filed April 14, 1988

*Senate referred to committee #115 (p. 1648)
House committee #115 (p. 207)*

RECEIVED FROM THE HOUSE

SENATE FILE 2055

H-6094

1 Amend the amendment, H-5933, to Senate File 2055 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking line 43 and inserting the
5 following: "~~enforcing the provisions of this chapter~~
6 funding the permanent pesticide container collection
7 centers and the".

8 2. Page 2, by inserting after line 49, the
9 following:

10 "____. Page 3, by inserting after line 15, the
11 following:

12 "Sec. ____ . Section 206.25, Code Supplement 1987,
13 is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. The department of agri-
16 culture and land stewardship shall establish permanent
17 pesticide container collection centers based upon the
18 program developed and presented to the general
19 assembly. The department shall organize and implement
20 on a regular schedule statewide pesticide container
21 cleanup days for the collection of pesticide
22 containers.""

H-6094 FILED MARCH 30, 1988 BY SCHUBY of Linn
Revised 4/10 (p. 1796)

SENATE FILE 2055

H-6253

1 Amend the amendment, H-2860, to Senate File 2055,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 13, by striking the word
5 "fifteen" and inserting the following: "twenty-one".

6 2. Page 1, line 31, by inserting after the word
7 "person." the following: "A commercial applicator who
8 applies pesticides to agricultural land may, in lieu
9 of the requirement of direct supervision, elect to be
10 exempt from the certification requirements for a
11 period of twenty-one days, if the commercial
12 applicator has passed an openbook test developed by
13 the department of agriculture and land stewardship in
14 cooperation with the Iowa cooperative extension
15 service in agriculture and home economics."

By PAULIN of Plymouth

H-6253 FILED APRIL 6, 1988

Revised 4/10 (p. 1796)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2055

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2055, a bill for An Act relating to the registration and use of certain pesticides, respectfully make the following report:

1. That the House recedes from its amendment, S-5996.

2. That Senate File 2055 as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 1, by striking the word "subsection" and inserting the following: "subsections 12 and".

2. Page 1, line 2, by striking the word "is" and inserting the following: "are".

3. Page 1, by inserting after line 2, the following:

"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."

4. Page 1, line 15, by striking the word "twenty-five"

and inserting the following: "twenty-five thirty".

5. Page 1, line 18, by striking the words "who are employed by a state agency" and inserting the following: "who are-employed-by-a-state-agency".

6. Page 1, line 19, by striking the word "twenty-five" and inserting the following: "twenty-five thirty".

7. Page 1, line 20, by striking the word "five-dollar" and inserting the following: "five-dollar ten-dollar".

8. Page 1, by striking lines 26 and 27 and inserting the following: "applicator shall be tested prior to initial certification. In".

9. By striking page 1, line 31 through page 2, line 2, and inserting as following: "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".

10. Page 2, line 4, by inserting after the word "groundwater." the following: "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."

11. Page 2, line 7, by striking the word ", or" and inserting the following: "or".

12. Page 2, by striking lines 9 through 11 and inserting the following: "a custom farming operation is".

13. Page 2, line 19, by inserting after the word "training" the following: ", testing,".

14. Page 2, line 29, by inserting after the word "period." the following: "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."

15. By striking page 2, line 30 through page 3, line 15.

16. Page 3, by inserting before line 16, the following:

"Sec. ____ . 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. _____. 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. _____. This Act, being deemed of immediate importance, takes effect upon enactment."

17. Title page, line 2, by inserting after the word "pesticides" the following: "authorizing a departmental

study, and providing an effective date."

18. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

BERL PRIEBE, Chairperson
ALVIN V. MILLER
PATRICK J. DELUHERY
HURLEY W. HALL
JACK HESTER

RALPH ROSENBERG, Chairperson
PAUL JOHNSON
ANDY McKEAN
SUE MULLINS
DON SHOULTZ

Sen. Adopted 4/17 (p. 1753)

House adopted 4/17 (p. 2525)

AGRICULTURE: Priebe, Chair; Scott, A. Miller, Hall and Soorholtz

SENATE FILE 2155
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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1 Section 1. Section 206.2, subsection 18, Code Supplement
2 1987, is amended to read as follows:

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

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

12 The secretary shall adopt, by rule, requirements for the
13 examination~~7-re-examination~~ and certification of applicants.

14 Commercial and public applicators shall choose between one-
15 year certification for which the applicator shall pay a
16 twenty-five dollar fee or three-year certification for which
17 the applicator shall pay a seventy-five dollar fee. Public
18 applicators who are employed by a state agency shall be exempt
19 from the twenty-five and seventy-five dollar certification
20 fees and instead be subject to a five-dollar annual
21 certification fee or a fifteen dollar fee for a three-year
22 certification. ~~The commercial, or public, applicator shall be~~
23 ~~tested prior to certification annually, if the applicator~~
24 ~~chooses a one-year certification or each three years if the~~
25 ~~applicator chooses three-year certification.--A~~ or private
26 applicator shall be tested by written or oral examination as
27 chosen by the applicator prior to initial certification.

28 However, a commercial or public applicator need not be
29 certified to apply pesticides for a two week period if the
30 application is necessary to remove an infestation of pests
31 which poses a substantial and immediate risk to health or
32 property. The supervising applicator shall immediately notify
33 the secretary of the commencement of the termination of the
34 application. The test shall include, but is not limited to,
35 the area of safe handling of agricultural chemicals and the

1 effects of these chemicals on groundwater. A person employed
2 by a farmer not solely as a pesticide applicator who applies
3 restricted use pesticides as an incidental part of the
4 person's general duties or a person who applies restricted use
5 pesticides as an incidental part of a custom farming operation
6 is not required to meet the certification requirements of a
7 private applicator.

8 The secretary may adopt rules to provide for license and
9 certification adjustments, including fees, which may be
10 necessary to provide for an equitable transition for licenses
11 and certifications issued prior to January 1, 1989. The rules
12 shall also include a provision for renewal of certification
13 ~~through-the-administering-of-an-approved-exam,~~ and a provision
14 for a thirty-day renewal grace period.

15 Sec. 3. Section 206.12, subsection 3, Code Supplement
16 1987, is amended to read as follows:

17 3. The registrant, before selling or offering for sale any
18 pesticide in this state, shall register each brand and grade
19 of such pesticide with the secretary upon forms furnished by
20 the secretary, and the secretary shall set the registration
21 fee annually at one-fifth of one percent of gross sales within
22 this state with a minimum fee of two hundred fifty dollars and
23 a maximum fee of three thousand dollars for each and every
24 brand and grade to be offered for sale in this state. The
25 secretary shall adopt by rule exemptions to the minimum fee,
26 including exemptions for pesticides designated by the
27 secretary which are designed to control a specific variety of
28 pests or plant and which are not commonly used in this state
29 by commerical, public, or private applicators. Fifty dollars
30 of each fee collected shall be deposited in the treasury to
31 the credit of the pesticide fund to be used only for the
32 purpose of enforcing the provisions of this chapter and the
33 remainder of each fee collected shall be placed in the
34 agriculture management account of the groundwater protection
35 fund.

EXPLANATION

1
2 This bill provides that a person supervising the use, on
3 ones own property or on the property for another without
4 direct compensation, of a pesticide which is classified for
5 restricted use must be certified as a private applicator.
6 However a person employed by a farmer not solely as a pesticide
7 applicator or who applies a restricted use pesticide as an
8 incidental part of a custom farming operation is not required
9 to be certified.
10 The bill provides that a commercial, public, or private
11 applicator must be tested for certification prior to initial
12 certification, that the test may be by either written or oral
13 examination, and that the certification requirement may be
14 suspended if there is an emergency infestation of pests. The
15 bill also exempts from a registration fee certain use-specific
16 pesticides which are not commonly used by applicators.

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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.

SENATE FILE 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

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.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2055, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 9, 1988

TERRY E. BRANSTAD
Governor

SF 2055