

4-7-93 House agriculture

FILED MAR 17 1993

SENATE FILE 325  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 137)

Passed Senate, <sup>(P. 1034)</sup> Date 4/6/93 Passed House, Date \_\_\_\_\_  
Vote: Ayes 39 Nays 9 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the completion of educational programs by  
2 certain persons regulated by the department of agriculture and  
3 land stewardship, and providing for fees.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SF 325

1 Section 1. Section 206.5, subsection 3, Code 1993, is  
2 amended to read as follows:

3 3. ~~a. Commercial-applicators~~ A commercial applicator  
4 shall choose between a one-year certification for which the  
5 applicator shall pay a thirty dollar fee or a three-year  
6 certification for which the applicator shall pay a seventy-  
7 five dollar fee. ~~Public-applicators-are-exempt-from-the~~  
8 ~~thirty-and-seventy-five-dollar-certification-fees-and-instead~~  
9 are-subject-to A public applicator shall choose between a one-  
10 year certification for which the applicator shall pay a ten-  
11 dollar-annual-certification ten dollar fee or a three-year  
12 certification for which the applicator shall pay a fifteen  
13 dollar fee for-a-three-year-certification. The A private  
14 applicator shall pay a fifteen dollar fee for a three-year  
15 certification if the private applicator is certified by  
16 examination.

17 b. To be initially certified as a commercial, public, or  
18 private applicator ~~shall-be-tested-prior-to-initial~~  
19 certification, a person must complete an educational program  
20 which shall consist of an examination required to be passed by  
21 the person. ~~In-addition,-a~~ After initial certification the  
22 commercial, public, or private applicator ~~shall-be-reexamined~~  
23 ~~every-three-years-following-initial-certification-before-the~~  
24 ~~applicator-is-eligible-for-a-renewal-of~~ must renew the  
25 certification by completing the educational program which  
26 shall consist of either an examination or continuing  
27 instructional courses. ~~However,-a~~ The commercial, public, or  
28 private applicator must pass the examination each third year  
29 following initial certification or may elect to attend two  
30 hours of continuing instructional courses each year.

31 The department shall adopt rules providing for the program  
32 requirements which shall at least include the safe handling,  
33 application, and storage of pesticides, the correct  
34 calibration of equipment used for the application of  
35 pesticides, and the effects of pesticides upon the

1 groundwater. The instructional courses must be administered  
2 by the department in cooperation with the Iowa cooperative  
3 extension service in agriculture and home economics. The  
4 courses shall be offered on a regional basis throughout the  
5 state. Another agency or private organization may administer  
6 the instructional courses upon certification by the  
7 department. The department shall adopt by rule criteria for  
8 allowing a person required to be certified to complete either  
9 a written or oral examination.

10 c. A commercial, public, or private applicator need is not  
11 required to be certified to apply pesticides for a period of  
12 twenty-one days from the date of initial employment if the  
13 commercial, public, or private applicator is under the direct  
14 supervision of a certified applicator. For the purposes of  
15 this section, "under the direct supervision of" means that the  
16 application of a pesticide is made by a competent person  
17 acting under the instructions and control of a certified  
18 applicator who is physically present, by being in sight or  
19 hearing distance of the supervised person.

20 Sec. 2. Section 206.5, subsection 4, Code 1993, is amended  
21 to read as follows:

22 4. A commercial applicator who applies pesticides to  
23 agricultural land may, in lieu of the requirement of direct  
24 supervision, elect to be exempt from the certification  
25 requirements for a commercial applicator for a period of  
26 twenty-one days, if the applicator meets the requirements of a  
27 private applicator. ~~The test shall include, but is not~~  
28 ~~limited to, the area of safe handling of agricultural~~  
29 ~~chemicals and the effects of these chemicals on groundwater.~~  
30 ~~The secretary shall also adopt, by rule, the criteria for the~~  
31 ~~allowance of the selection of the written or oral examination~~  
32 ~~by a person requiring certification.~~

33 EXPLANATION

34 This bill amends provisions in chapter 206 currently  
35 requiring that a commercial, public, or private applicator of

1 pesticides, be examined every three years following initial  
2 certification, before being eligible for a renewal of  
3 certification. The chapter is administered and enforced by  
4 the department of agriculture and land stewardship. The bill  
5 amends provisions which establish fees for certification. The  
6 bill also provides that a commercial, public, or private  
7 applicator may elect to attend two hours of continuing  
8 instruction courses each year in lieu of passing the  
9 examination. The bill provides that the department must adopt  
10 rules providing for program requirements which must include  
11 the handling, application, and storage of pesticides, the  
12 correct calibration of equipment used for the application of  
13 pesticides, and the effects of pesticides upon the  
14 groundwater. The instructional courses must be administered  
15 by the department in coordination with the Iowa cooperative  
16 extension service in agriculture and home economics. The  
17 courses must be offered on a regional basis throughout the  
18 state. Another agency or private organization may administer  
19 the courses upon certification by the department.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 325  
FISCAL NOTE

---

A fiscal note for Senate File 325 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

Senate File 325 alters the fees required to receive pesticide applicator certification from the Department of Agriculture and Land Stewardship (DALs), and allows applicants for re-certification to qualify through continuing education. Current law requires applicants for re-certification to pass an examination.

Fiscal Impact:

The DALs estimates that the fee changes will reduce revenues to the General Fund by \$120,000 per year, and increase DALs expenditures by \$140,000 per year. In addition, annual expenditures of the Iowa Cooperative Extension Service at Iowa State University (ISU) are projected to increase \$390,000 per year. The majority of the projected increase in expenditures is due to the requirement that the DALs and ISU offer regional continuing education courses to prospective re-certification applicants. The vast majority of the applicators who would have the continuing education option currently are not required to attend continuing education classes.

In addition, the reduction in the number of applicators taking the certification exam could reduce the efficiency and effectiveness of the 10 year, \$15.0 million study presently being conducted through the applicator testing sites by the University of Iowa. That study utilizes the testing sites to survey pesticide applicators concerning cancer rates and other health issues.

Sources:

Department of Agriculture and Land Stewardship  
Iowa State University Extension

(LSB 1662sv, JWR)

FILED MARCH 23, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 325

S-3189

1 Amend Senate File 325 as follows:

2 1. Page 1, by striking lines 15 and 16 and  
A 3 inserting the following: "certification".

4 2. Page 1, line 30, by inserting after the word  
5 "year." the following: "Each instructional course  
6 shall include two parts, including a presentation and  
7 a test consisting of a brief series of questions

B 8 related to the presentation. The presentation shall  
9 be made and the test shall be given under the  
10 direction of the person administering the  
11 instructional course. A person shall not be  
12 recertified as a commercial, public, or private  
13 applicator, unless the person attends the presentation  
14 and passes the test."

A- adopted 3/25/93 (P. 840) By JACK W. HESTER  
B- host

S-3189 FILED MARCH 23, 1993

SENATE FILE 325

S-3341

1 Amend Senate File 325 as follows:

2 1. Page 2, by striking lines 1 through 9, and  
3 inserting the following: "groundwater. The  
4 department shall adopt by rule criteria for allowing a  
5 person required to be certified to complete either a  
6 written or oral examination. The department shall  
7 administer the instructional courses, by either  
8 teaching the courses or selecting persons to teach the  
9 courses, according to criteria as provided by rules  
10 adopted by the department. The department shall, to  
11 the extent possible, select persons to teach the  
12 courses in each county. The department is not  
13 required to compensate persons selected to teach the  
14 courses. In selecting persons, the department shall  
15 rely upon organizations interested in the application  
16 of pesticides, including associations representing  
17 pesticide applicators and associations representing  
18 agricultural producers. The Iowa cooperative  
19 extension service in agriculture and home economics of  
20 Iowa state university of science and technology shall  
21 cooperate with the department in administering the  
22 instructional courses. The Iowa cooperative extension  
23 service may teach courses, train persons selected to  
24 teach courses, or distribute informational materials  
25 to persons teaching the courses."

By BERL E. PRIEBE  
DERRYL McLAREN  
MERLIN E. BARTZ  
BRAD BANKS

LARRY MURPHY  
EUGENE S. FRAISE  
RANDAL J. GIANNETTO  
EMIL J. HUSAK

S-3341 FILED APRIL 1, 1993

Adopted  
4-6-93  
(P. 1033)

S-3385

1 Amend Senate File 325 as follows:

2 1. Page 2, by inserting after line 32 the  
3 following:

4 "Sec. \_\_\_\_ . Section 206.12, subsection 3,  
5 unnumbered paragraph 1, Code 1993, is amended to read  
6 as follows:

7 The registrant, before selling or offering for sale  
8 any pesticide for use in this state, shall register  
9 each brand and grade of such pesticide with the  
10 secretary upon forms furnished by the secretary, and  
11 the secretary shall set the registration fee annually  
12 at one-fifth of one percent of gross sales within this  
13 state with a minimum fee of two hundred fifty dollars  
14 and a maximum fee of three thousand dollars for each  
15 and every brand and grade to be offered for sale in  
16 this state except as otherwise provided. The annual  
17 registration fee for products with gross annual sales  
18 in this state of less than one million five hundred  
19 thousand dollars shall be the greater of two hundred  
20 fifty dollars or one-fifth of one percent of the gross  
21 annual sales as established by affidavit of the  
22 registrant. The secretary shall adopt by rule  
23 exemptions to the minimum fee. The department shall  
24 adopt rules exempting fees for the registration of any  
25 brand or grade of pesticide which is manufactured for  
26 use as a sanitizer or disinfectant in a hospital, if  
27 the pesticide is sold to a hospital licensed pursuant  
28 to chapter 135B. Fifty dollars of each fee collected  
29 shall be deposited in the treasury to the credit of  
30 the pesticide fund to be used only for the purpose of  
31 enforcing the provisions of this chapter and the  
32 remainder of each fee collected shall be placed in the  
33 agriculture management account of the groundwater  
34 protection fund."

35 2. Title page, by striking lines 1 and 2 and  
36 inserting the following: "An Act relating to  
37 pesticides, by providing for programs administered and  
38 fees imposed by the department of agriculture and".

WITHDRAWN

By WILMER RENSINK

4.6.93

S-3385 FILED APRIL 5, 1993

S-3403

1 Amend Senate File 325 as follows:

2 1. Page 2, by inserting after line 32 the follow-  
3 ing:

4 "Sec. \_\_\_\_ . Section 206.12, subsection 3, Code  
5 1993, is amended by adding the following new  
6 unnumbered paragraph after unnumbered paragraph 1:  
7 NEW UNNUMBERED PARAGRAPH. The department shall  
8 adopt rules exempting fees for the registration of any  
9 brand or grade of pesticide which is manufactured for  
10 use as a sanitizer or disinfectant in a hospital, if  
11 the pesticide is sold to a hospital licensed pursuant  
12 to chapter 135B."

13 2. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to  
15 pesticides, by providing for programs administered and  
16 fees exempted by the department of agriculture and".

By WILMER RENSINK

out of order 4.6.93  
S-3403 FILED APRIL 5, 1993



1 Section 1. Section 206.5, subsection 3, Code 1993, is  
2 amended to read as follows:

3 3. a. Commercial-applicators A commercial applicator  
4 shall choose between a one-year certification for which the  
5 applicator shall pay a thirty dollar fee or a three-year  
6 certification for which the applicator shall pay a seventy-  
7 five dollar fee. ~~Public-applicators-are-exempt-from-the~~  
8 ~~thirty-and-seventy-five-dollar-certification-fees-and-instead~~  
9 ~~are-subject-to~~ A public applicator shall choose between a one-  
10 year certification for which the applicator shall pay a ten-  
11 dollar-annual-certification ten dollar fee or a three-year  
12 certification for which the applicator shall pay a fifteen  
13 dollar fee ~~for-a-three-year-certification~~. The A private  
14 applicator shall pay a fifteen dollar fee for a three-year  
15 certification.

16 b. To be initially certified as a commercial, public, or  
17 private applicator ~~shall-be-tested-prior-to-initial~~  
18 ~~certification~~, a person must complete an educational program  
19 which shall consist of an examination required to be passed by  
20 the person. ~~In-addition,~~ a After initial certification the  
21 commercial, public, or private applicator ~~shall-be-reexamined~~  
22 ~~every-three-years-following-initial-certification-before-the~~  
23 ~~applicator-is-eligible-for-a-renewal-of~~ must renew the  
24 certification by completing the educational program which  
25 shall consist of either an examination or continuing  
26 instructional courses. ~~However,~~ a The commercial, public, or  
27 private applicator must pass the examination each third year  
28 following initial certification or may elect to attend two  
29 hours of continuing instructional courses each year.

30 The department shall adopt rules providing for the program  
31 requirements which shall at least include the safe handling,  
32 application, and storage of pesticides, the correct  
33 calibration of equipment used for the application of  
34 pesticides, and the effects of pesticides upon the  
35 groundwater. The department shall adopt by rule criteria for

1 allowing a person required to be certified to complete either  
2 a written or oral examination. The department shall  
3 administer the instructional courses, by either teaching the  
4 courses or selecting persons to teach the courses, according  
5 to criteria as provided by rules adopted by the department.  
6 The department shall, to the extent possible, select persons  
7 to teach the courses in each county. The department is not  
8 required to compensate persons selected to teach the courses.  
9 In selecting persons, the department shall rely upon  
10 organizations interested in the application of pesticides,  
11 including associations representing pesticide applicators and  
12 associations representing agricultural producers. The Iowa  
13 cooperative extension service in agriculture and home  
14 economics of Iowa state university of science and technology  
15 shall cooperate with the department in administering the  
16 instructional courses. The Iowa cooperative extension service  
17 may teach courses, train persons selected to teach courses, or  
18 distribute informational materials to persons teaching the  
19 courses.

20 c. A commercial, public, or private applicator need is not  
21 required to be certified to apply pesticides for a period of  
22 twenty-one days from the date of initial employment if the  
23 commercial, public, or private applicator is under the direct  
24 supervision of a certified applicator. For the purposes of  
25 this section, "under the direct supervision of" means that the  
26 application of a pesticide is made by a competent person  
27 acting under the instructions and control of a certified  
28 applicator who is physically present, by being in sight or  
29 hearing distance of the supervised person.

30 Sec. 2. Section 206.5, subsection 4, Code 1993, is amended  
31 to read as follows:

32 4. A commercial applicator who applies pesticides to  
33 agricultural land may, in lieu of the requirement of direct  
34 supervision, elect to be exempt from the certification  
35 requirements for a commercial applicator for a period of

1 twenty-one days, if the applicator meets the requirements of a  
2 private applicator. ~~The test shall include, but is not~~  
3 ~~limited to, the area of safe handling of agricultural~~  
4 ~~chemicals and the effects of these chemicals on groundwater.~~  
5 ~~The secretary shall also adopt, by rule, the criteria for the~~  
6 ~~allowance of the selection of the written or oral examination~~  
7 ~~by a person requiring certification.~~

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

FRAISE, CH.  
MCLAREN  
PRIEBE

SSB 137  
AGRICULTURE

SENATE FILE 325  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON PRIEBE)

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

A BILL FOR

1 An Act relating to requirements for the certification of certain  
2 pesticide applicators.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 Section 1. Section 206.5, subsection 3, Code 1993, is  
2 amended to read as follows:

3 3. ~~a. Commercial-applicators~~ A commercial applicator  
4 shall choose between a one-year certification for which the  
5 applicator shall pay a thirty dollar fee or a three-year  
6 certification for which the applicator shall pay a seventy-  
7 five dollar fee. ~~Public-applicators-are~~ A public applicator  
8 is exempt from the thirty and seventy-five dollar  
9 certification fees and instead are is subject to a ten-dollar  
10 annual certification fee or a fifteen dollar fee for a three-  
11 year certification.

12 b. A commercial, public, or private applicator shall  
13 complete an educational program prior to an initial or renewal  
14 of certification. The department shall adopt rules providing  
15 for the program which shall at least include the safe  
16 handling, application, and storage of pesticides, and the  
17 effects of pesticides upon the groundwater. The commercial,  
18 public, or private applicator shall be-tested complete the  
19 educational program by being examined prior to initial  
20 certification. In addition, a commercial, or public, or  
21 private applicator shall be reexamined every three years  
22 following initial certification before the-applicator-is being  
23 eligible for a renewal of certification. However, a To be  
24 eligible for renewal of certification, a private applicator  
25 may elect to complete the educational program by being  
26 examined each third year following initial certification, or  
27 by attending two hours of continuing instructional courses  
28 each year. The instructional courses must be administered by  
29 the department in cooperation with the Iowa cooperative  
30 extension service in agriculture and home economics. Another  
31 agency or private organization may administer the  
32 instructional courses upon certification by the department.  
33 The department shall adopt by rule criteria for allowing a  
34 person required to be certified to complete a written or oral  
35 examination.



1 the groundwater. The instructional courses must be  
2 administered by the department in coordination with the Iowa  
3 cooperative extension service in agriculture and home  
4 economics. Another agency or private organization may  
5 administer the courses upon certification by the department.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35