

21—45.1(206) Definitions and standards.

45.1(1) The following definitions are hereby adopted.

“Aerial applicator” means a licensed commercial applicator, certified in category #11, Aerial Application, who applies pesticides by using aircraft in compliance with Federal Aviation Administration regulations under Title 14 CFR Part 137 (1-1-08 Edition).

“Aerial applicator consultant” means a person who is a resident of Iowa and holds a valid applicator certification in category #11, Aerial Application, and either an Iowa commercial applicator license or pesticide dealer license, who coordinates the commercial application of pesticides by aerial applicators.

“Certified handler” means a person employed by a licensed commercial applicator, noncommercial applicator, public applicator, or pesticide dealer who handles pesticides in other than unopened containers for the purposes of preparing, mixing or loading pesticides for application by another person, repackaging bulk pesticides or disposing of pesticide-related wastes from these activities.

“Defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission.

“Desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

“Fungi” means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts, as for example, rusts, smuts, mildews, molds, yeasts and bacteria except those on or in living man or other animals.

“Fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi.

“Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed or undesirable plant.

“Insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice.

“Insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects and related forms which may be present in any environment whatsoever.

“Nematocide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating nematodes or subterranean pests.

“Nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

“Nonchemical pest control device” means any instrument or contrivance, other than a firearm or trap, intended or purported to be a primary pest control device or a pest control aid for repelling insects or rodents without the use of chemicals through utilization of electromagnetic, sound, ultrasonic, subsonic, cosmic, geotechnical or other similar wave technology.

“Noncommercial applicator” means any person who applies restricted use pesticides on lands or property owned, rented or leased by the applicator or the applicator’s employer. This definition shall not apply to private applicators using restricted use pesticides in the production of agricultural commodities.

“Resident of Iowa,” for purposes of subrule 45.22(17), means a person who meets the following qualifications:

1. The person is an owner or employee of a corporation, association, partnership, company, or firm that maintains a physical place of business located within Iowa.
2. Agricultural aircraft owned and operated by the person are registered with the Iowa department of transportation.

“Rodent” means any animal of the order Rodentia, including, but not limited to, rats, mice, rabbits, gophers, prairie dogs and squirrels.

“Rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents or any other vertebrate animal which the secretary shall designate to be a pest.

“Sensitive crop registry” means the sensitive crop registry designated by the department, which may include but is not limited to the FieldWatch™, Inc. program.

“Use of a pesticide contrary to its labeling” means to use any registered pesticide in a manner not permitted by the labeling provided that the phrase shall not include:

1. Applying a pesticide for agricultural or horticultural purposes only at any dosage, concentration or frequency less than that specified on the labeling.
2. Applying a pesticide for agricultural or horticultural purposes only against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling; or
3. Employing any method of application not prohibited by the labeling for agricultural or horticultural purposes only.
4. Mixing pesticides or mixing pesticide with a fertilizer when such mixture is not prohibited by the labeling for agricultural or horticultural purposes only.

“Weed” means any plant which grows where not wanted.

“Wood-destroying insect” means subterranean termites, carpenter ants, and powder-post beetles.

45.1(2) Additional definitions and standards which are consistent and applicable to the pesticide Act shall be those established by the Association of American Pesticide Control Officials.

This rule is intended to implement Iowa Code section 206.5 and section 206.6 as amended by 2008 Iowa Acts, House File 2551.

[**ARC 7556B**, IAB 2/11/09, effective 2/1/09; **ARC 8704B**, IAB 4/21/10, effective 5/26/10; **ARC 2881C**, IAB 1/4/17, effective 2/8/17]