

Sess. Ag 4/8, Pass 4/12

MAR 5 1976

HOUSE FILE 1509

Place On Calendar

BY COMMITTEE ON AGRICULTURE

Passed House, Date 4-5-76 (1598) Passed Senate, Date 4-14-76 (1305)
Vote: Ayes 82 Nays 1 Vote: Ayes 47 Nays 0
Approved 4-26-76

A BILL FOR

1 An Act relating to certification for applicators of
2 restricted use of pesticides.

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

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1 Section 1. Acts of the Sixty-fifth General Assembly, 1974
 2 Session, chapter one thousand one hundred fifty-seven (1157),
 3 section twenty-one (21), is amended to read as follows:
 4 SEC. 21. This Act shall become effective January 1, 1975.
 5 However, certification for applicators of restricted use
 6 pesticides shall not be required until October 21, ~~1976~~ 1978.
 7 Notwithstanding any of the provisions of chapter two hundred
 8 ~~and~~ six (206) of the Code, all licenses and product
 9 registrations that expire after June 30, 1974, and before
 10 December 31, 1974, shall remain in full force and effect and
 11 be deemed a current license or product registration during
 12 the period between July 1, 1974 and December 31, 1974. All
 13 licenses and product registrations so extended shall expire
 14 on December 31, 1974.

15 EXPLANATION

16 This bill delays the date for certification of applicators
 17 of restricted use pesticides by the secretary of agriculture,
 18 until October 21, 1978.

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LSB 4171
 zz/jw/5

H-5909

1 Amend House File 1509 as follows:

2 1. Page 1, line 6, by striking "1978" and in-
3 sserting in lieu thereof "1977".

4 2. Page 1, by striking lines 7 through 14,
5 and inserting in lieu thereof the following:

6 "~~Notwithstanding any of the provisions of~~
7 ~~chapter two hundred and six (206) of the Code, all~~
8 ~~licenses and product registrations that expire after~~
9 ~~June 30, 1974, and before December 31, 1974, shall~~
10 ~~remain in full force and effect and be deemed a~~
11 ~~current license or product registration during the~~
12 ~~period between July 1, 1974 and December 31, 1974.~~
13 ~~All licenses and product registrations so extended~~
14 ~~shall expire on December 31, 1974.~~"

15 3. Page 1, by adding after line 14 the following
16 sections:

17 "Sec. ____ . Section two hundred six point five
18 (206.5), Code 1975, is amended to read as follows:

19 206.5 CERTIFICATION REQUIREMENTS. No person
20 shall apply any restricted use pesticide without
21 first complying with the certification requirements
22 of this chapter and such other restrictions as de-
23 termined by the secretary or being under the direct
24 supervision of a certified applicator.

25 The secretary shall adopt, by rule, require-
26 ments for the examination, re-examination and certi-
27 fication of applicants and set a fee of not more than
28 ten dollars for the certification program of comm-
29 mercial applicators and not more than five dollars
30 for the certification program of private applica-
31 tors.

32 The secretary may adopt rules for the train-
33 ing of applicators in co-operation with the co-
34 operative extension service at Iowa State Uni-
35 versity of science and technology.

36 The secretary shall not require applicants
37 for certification as private applicators to take
38 and pass a written test, if the applicant instead
39 shows proof that he has attended an informational
40 course of instruction approved by the secretary.
41 The secretary shall provide for temporary certifi-
42 cation for emergency purchases of restricted use
43 product's by requiring the purchaser to sign an
44 affidavit, at the point of purchase, that he has
45 read and understands the information on the label
46 of the restricted use product being purchased.

47 Sec. ____ . Section two hundred six point six
48 (206.6), subsection four (4), Code 1975, is amended
49 by striking the subsection and inserting in lieu
50 thereof the following:

1 4. Renewal of applicant's license. The
 2 secretary shall renew any applicant's license
 3 under the classifications for which such applicant
 4 is licensed, provided that a program of training
 5 of all personnel who apply pesticides has been
 6 established and maintained by the licensee. Such
 7 a program may include attending training sessions
 8 such as Cooperative Extension Short Courses or
 9 Industry trade association training seminars.

10 Sec. . Section two hundred six point eight
 11 (206.8), subsection three (3), Code 1975, is amended
 12 by striking the subsection and inserting in lieu
 13 thereof the following:

14 3. Provisions of this section shall not
 15 apply to a pesticide applicator who sells pesti-
 16 cides as an integral part of his pesticide appli-
 17 cation service, or any federal, state, county
 18 or municipal agency which provides pesticides
 19 only for its own programs."

H-5909 FILED BY MILLER of Cerro Gordo

MARCH 19, 1976 *adopted* PELLETT of Cass

amended 4/5 (1597) BENNETT of Ida

Amend Amendment H 5909 to House File 1509 as

1 follows:

2 1. Page 2, by inserting after line 19 the
 3 following:

4 "Sec. . Section two hundred six point
 5 eighteen (206.18), subsection four (4), Code 1975,
 6 is amended to read as follows:

7 4. The licensing requirements of section
 8 206.6 shall not apply to any person persons using
 9 hand-powered or self-propelled equipment not
 10 exceeding seven and one-half horsepower as
 11 determined by rules promulgated by the department
 12 to applying apply pesticides to lawns, or to
 13 ornamental shrubs and trees not in excess of
 14 twelve feet high, as an incidental part of taking
 15 care of household lawns and yards provided, that
 16 such person persons shall not publicly hold
 17 himself themselves out as being in the business
 18 of applying pesticides, and that such person does
 19 persons do not apply restricted use pesticides or
 20 state restricted use pesticides, restricted to use
 21 only by certified applicators."

H-5913 FILED BY SPRADLING of Sioux

MARCH 23, 1976 *adopted 4/5 (1597)*

HOUSE FILE 1509

AN ACT
RELATING TO CERTIFICATION FOR APPLICATORS OF RESTRICTED USE
OF PESTICIDES.

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

Section 1. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred fifty-seven (1157), section twenty-one (21), is amended to read as follows:

SEC. 21. This Act shall become effective January 1, 1975. However, certification for applicators of restricted use pesticides shall not be required until October 21, ~~1976~~ 1977.

~~Notwithstanding any of the provisions of chapter two hundred and six (206) of the Code, all licenses and product registrations that expire after June 30, 1974, and before December 31, 1974, shall remain in full force and effect and be deemed a current license or product registration during the period between July 1, 1974, and December 31, 1974. All licenses and product registrations so extended shall expire on December 31, 1974.~~

Sec. 2. Section two hundred six point five (206.5), Code 1975, is amended to read as follows:

206.5 CERTIFICATION REQUIREMENTS. No person shall apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary or being under the direct supervision of a certified applicator.

The secretary shall adopt, by rule, requirements for the examination, ~~re-examination~~ and certification of applicants and set a fee of not more than ten dollars for the certification program of commercial applicators and not more than five dollars for the certification program of private applicators.

The secretary may adopt rules for the training of applicators in co-operation with the co-operative extension service

at Iowa State University of science and technology.

The secretary shall not require applicants for certification as private applicators to take and pass a written test, if the applicant instead shows proof that he has attended an informational course of instruction approved by the secretary. The secretary shall provide for temporary certification for emergency purchases of restricted use product's by requiring the purchaser to sign an affidavit, at the point of purchase, that he has read and understands the information on the label of the restricted use product being purchased.

Sec. 3. Section two hundred six point six (206.6), subsection four (4), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

4. Renewal of applicant's license. The secretary shall renew any applicant's license under the classifications for which such applicant is licensed, provided that a program of training of all personnel who apply pesticides has been established and maintained by the licensee. Such a program may include attending training sessions such as Cooperative Extension Short Courses or Industry trade association training seminars.

Sec. 4. Section two hundred six point eight (206.8), subsection three (3), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

3. Provisions of this section shall not apply to a pesticide applicator who sells pesticides as an integral part of his pesticide application service, or any federal, state, county or municipal agency which provides pesticides only for its own programs.

Sec. 5. Section two hundred six point eighteen (206.18), subsection four (4), Code 1975, is amended to read as follows:

4. The licensing requirements of section 206.6 shall not apply to ~~any person~~ persons using hand-powered or self-propelled equipment not exceeding seven and one-half horsepower as determined by rules promulgated by the department to

~~applying~~ apply pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of taking care of household lawns and yards provided, that such ~~person~~ persons shall not publicly hold ~~himself~~ themselves out as being in the business of applying pesticides, and that such ~~person-does~~ persons do not apply restricted use pesticides or state restricted use pesticides, restricted to use only by certified applicators.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1509, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 26, 1976

ROBERT D. RAY
Governor