

Containment

New Rules effective April 4, 2008 (separate from the earlier mentioned HF 2551) **requires all aerial applicators to have access to secondary containment for the purpose of repairing or maintaining the spray component of an agricultural aircraft.** Containment may be a permanent structure or a portable device. Both types will be required to be certified by a registered engineer that meets the requirements of Chapter 21-44 of the Iowa Administrative Code.

Aerial Applicators may comply with this provision by acquiring their own containment structure or by notifying the pesticide bureau they have a written agreement with an aerial applicator located in Iowa.

Containment is required for the purpose of repairing or maintaining aerial application equipment regardless whether or not the site where repair or maintenance is performed is considered to be a "permanent pesticide storage/mixing site."

Existing rules require containment for the mixing/loading area for all applicators loading agricultural aircraft at a permanent pesticide storage/mixing site. A permanent pesticide storage/mixing site is defined as: a site where pesticides are stored for more than 30 days and where more than 300 gallons or 300 pounds of formulated pesticides are mixed and loaded within a 30 day period.

The containment structure for storage/mixing areas under both the new rules and existing rules must be designed by a registered engineer and certified by the owner that the containment structure was constructed according to the engineer's design plan. A registered engineer is required to certify that the structure will meet the requirements of chapter 21-44 of the Iowa Administrative Code.

Records

The new rules effective April 4, 2008, also require that the application record maintained by the applicator also be maintained by the applicator's broker and pesticide dealer for 3 years containing the following information:

1. Licensee name and license number
2. Customer name and address
3. Address of site of restricted use pesticide application
4. Date of application
5. Full trade name of pesticide used and quantity and concentration or rate of application.
6. Temperature and direction and estimated velocity of wind at time of application.
7. Use of "restricted use" pesticide.

Aircraft Registration

It is highly recommended that out-of-state applicators contact the Iowa Department of Transportation to inquire about requirements for registration of aircraft.

Sensitive Crops Registry

The Iowa Department of Agriculture and Land Stewardship has created a registry for producers to list the locations of their pesticide sensitive crops and for beekeepers to list the locations of their apiaries. This registry will be used to create an on-line directory for use by pesticide applicators to identify the locations of sensitive crops and apiaries and minimize the potential for pesticide drift damage.

The Sensitive Crops Directory will provide pesticide applicators with the locations of those crops that are most susceptible to pesticide drift damage. The intended crops for inclusion in the registry are vineyards (minimum one acre), orchards (minimum one acre), certified organic crops (minimum one acre), and fruit and vegetable crops (minimum 1/2 acre). The crops at each registered location must be intended for commercial use, be susceptible to pesticide drift damage, and meet the minimum acreage requirements. The registry will accommodate the registration of multiple sensitive crop locations under one producer. If multiple crops are located in the same location, only the primary crop for that location need be listed.

Producers and beekeepers, who have previously registered, will be required to confirm their registration information between January 1 and April 1 each year in order to keep the directory current from year to year. To become part of the Sensitive Crops Directory, producers and beekeepers must complete the Producer Registration Form and fax it to 515-242-5015 or mail it to Paul Ovrom, Iowa Department of Agriculture and Land Stewardship, Horticulture and Farmers Markets Bureau, 502 East 9th Street, Des Moines, Iowa 50319.

The department has ordered field markers that will be available on a cost share basis to registered producers. Producers are asked to post the field markers at the physical location of the pesticide sensitive crop at a height above their crop canopy that will make the field markers visible to both ground and aerial applicators. Registered producers will receive further information on field markers as it becomes available.

The Iowa Department of Agriculture and Land Stewardship assumes no liability for the accuracy of the information provided by the producers or adverse action relating to the directory. All information is provided to the department by the producers and the department reserves the right to determine eligible producers and eligible sensitive crop locations. The directory is provided as a service to producers and pesticide applicators and does not follow all applicable laws, regulations, and rules.



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Des Moines, Iowa 50309
515/262-8323 // Fax: 515/262-8960
www.iowaseed.org

Iowa Aerial Application

Iowa Commercial Pesticide Applicator License, Certification and Other Specific Requirements



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"A Place to Grow"

Aerial Application Iowa Regulations

Application of a pesticide in a manner that results in drift is a violation of the Iowa Pesticide Law. Please take the necessary precautions to prevent drift to any area but especially to areas where people reside or where agricultural workers may be detasselling corn, baling hay or other activities on the farm. Also, there are livestock producers, organic producers, fruit and vegetable producers, honey producers, milk producers, home gardens, bike trails, farm ponds, among other areas that could be adversely impacted by pesticide drift or misapplication. Please keep safety for you and the environment in which you will be working a priority.

Read the Label

Iowa's pesticide law declares it unlawful to use a pesticide in a manner inconsistent with its label. All applicators and handlers are required to follow the label directions and precautions, including compliance with minimum dilution rates, personal protective equipment, environmental precautions, drift precautions, pre-harvest intervals and the worker protection standard. Misuse of a pesticide or non-compliance with license or certification requirements may be subject to a civil penalty up to \$500 for each violation at the state level or up to \$6,500 per violation at the federal level.

Requirements for the Worker Protection Standard

Commercial applicators are considered commercial handlers under the federal Worker Protection Standard and at the minimum are required to provide pesticide safety training, decontamination site, and emergency assistance for handlers, including flaggers. They must also ensure that precautions are in place to prevent pesticide contact with any person, directly or through drift. More complete information may be found at the EPA's National Worker Protection Information website at:

<http://www.epa.gov/agriculture/twor.html>

Commercial Pesticide Applicator License

All commercial applicators operating in Iowa are required to be licensed and certified by the Iowa Department of Agriculture and Land Stewardship (IDALS). The commercial pesticide applicator license is issued to the business upon meeting all the following requirements:

- Submission of the completed license application.
- Receipt of \$25 fee.
- At least one Iowa-certified applicator. (All applicators are required to be certified. See below for more details.)

Commercial Pesticide Applicator License Cont...

- Proof of financial responsibility. Minimum of \$50,000 for public liability and property damage, each separately. Aerial applicators must have proof of insurance for *each aircraft* operating under the license d/b/a the licensed company.
- Compliance with secondary containment requirements.

Nonresident Applicator

Currently an out-of-state commercial applicator must obtain an Iowa commercial pesticide applicator's license. An aerial applicator may either obtain a license or operate under an Iowa licensed aerial applicator. If a nonresident aerial applicator operates under the license of an Iowa aerial applicator, the Iowa aerial applicator must notify the pesticide bureau in writing to include the following information:

- Name and complete permanent address of the nonresident aerial application business
- Name of each individual who will be applying pesticides under the agreement
- Name of each individual who will be mixing, loading or otherwise handling pesticides.
- Beginning and ending dates of the business agreement

****In order to supervise an out-of-state aerial applicator the Iowa licensee must be an aerial applicator***

Each nonresident applicator must meet Iowa's certification standards for aerial applicators, provide a power of attorney form designating Iowa's Secretary of State as his or her agent and comply with containment requirements. (See below)

The supervising Iowa aerial applicator must also provide an updated certificate of insurance which also covers application activities by each out-of-state applicator being supervised.

House File 2551 signed into law on April 8, 2008 gives the IDALS authority to adopt additional requirements for the licensing of out-of-state aerial applicators. Additional rules will be adopted in the future to implement the provisions of this new law.

Certification

Each individual who aerially applies any pesticide is required to be certified in Iowa's Category 11 –Aerial Application. *All employees of licensed applicators or pesticide dealers who mix, load or transfer pesticides in open containers are required to be certified as applicators or handlers.*

Iowa currently has reciprocal agreements for certification with Illinois, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin; however, aerial applicators reciprocating with South Dakota or Missouri certifications must complete the Iowa Reciprocal Aerial Applicator test for aerial application portion of the certificate.

The reciprocal agreement means only that a nonresident applicator does not have to pass Iowa's certification exams. The applicator still must obtain the Iowa certification credentials along with meeting all commercial applicator license requirements.

Bee Rule

Iowa's Bee Rule requires that an applicator who applies any pesticide that is labeled as "toxic to bees" notify all registered honey producers within a 2-mile radius not later than 24 hours prior to application or earlier than 72 hours prior to application.

Owners of apiaries may register their telephone number where they can be reached and the location of their bee yards before April 1 of each year. The registry is available on the IDALS website: <http://www.iowaagriculture.gov/AgDicersification/apiary.asp>

Questions regarding the bee registry should be directed to Andrew Joseph, State Apiarist, 515-725-1481 or by email to Andrew.joseph@iowaAgriculture.gov.

Contacts

Iowa Poison Control Center..... 1-800-222-1222

Pesticide Bureau (IDALS).....515/281-8591 (O),
515/242-6497 (FAX) or e-mail pesticides@iowaAgriculture.gov

Commercial Pesticide Applicator & Pesticide Dealer
Licensing...tammy.green@iowaAgriculture.gov or 515/281-5601

Market Diversification Directories.....
<http://www.iowaagriculture.gov/agDiversification.asp>

Iowa State University-PME (Pest Management & the
Environment).....<http://www.extension.iastate.edu/pme>

Iowa DNR Spill Reporting.....515/281-8694

Iowa DOT/Aeronautics Division.....515/239-1691,
<http://www.iawings.com/airports/Aircraft%20Registration.htm>