



Date: April 17, 2008

To: Iowa Licensed Aerial Applicators

From: Chuck Eckermann, Chief, Pesticide Bureau  
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RE: New Rules Adopted for Containment and Commercial Applicator Records

This memo is to notify you that the Iowa Department of Agriculture and Land Stewardship has adopted new rules requiring all aerial applicators to have access to secondary containment for the purpose of repairing or maintaining the spray component of an agricultural aircraft. The new rules also requires that the application record maintained by the applicator must also be maintained by the applicator's broker and pesticide dealer.

### **Containment**

You may comply with this provision by acquiring your own containment structure or by notifying the pesticide bureau you have a written agreement with an aerial applicator located in Iowa. The enclosed form needs to be completed and returned to the pesticide bureau at the address listed on the front of the form.

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.

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.

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Process for acquiring approved containment:

1. Mail copy of engineer's design plan to pesticide bureau. Engineer must certify that the design plans meet the requirements of IAC chapter 21-44.
2. Pesticide bureau acknowledges receipt of your plans and returns a certificate of completion form to be signed by owner or contractor certifying that containment was constructed according to design plans.
3. Once containment structure is completed or in place a signed certificate of completion form is returned to the pesticide bureau.

**Records**

Applicator records are the responsibility of the person making a commercial application of a pesticide. The new rules require that the applicator also provide a copy of the completed application record to the growers dealer and when applicable the applicators broker. The records shall contain the information required in 21-45.26(3) IAC.

**Enclosed Form**

Please complete and return the enclosed form to verify your compliance with Iowa's secondary containment requirements.

New rule:

21-44.12 Secondary containment for aerial applicators. If the spray component of the aircraft is being drained or repaired, secondary containment with permanent devices or portable devices suitable for use with pesticides is required during aircraft maintenance.

Amended rule;

21-44.26(3) Commercial applicators. Every commercial applicator shall make, or cause to have made, office records of all application activities on each pesticide applied. Records for applications involving more than one licensed commercial applicator or billed through a licensed pesticide dealer shall be maintained by each licensee. Each set of records shall include the following:

- a. The name and license number of the licensee
- b. The name and address of the landowner or customer
- c. Address of the place of the application of restricted use pesticide
- d. Date of pesticide application
- e. Trade name of pesticide product used.
- f. The quantity of pesticide product used and the concentration or rate of application.
- g. If applicable, the temperature and the direction and estimated velocity of wind at time of application to any outdoor area.
- h. Use of "restricted use" pesticide.
- i. Time pesticide application begins and ends. (rule amended 1/22/2009 ARC 7572B)