

# New Nutrient Application Regulation

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## Fertilizer Material Distribution and Use Certification – Overview

The Indiana State Chemist is charged with administering several agricultural laws involving seeds, fertilizers, animal feeds, and pesticides. The goals of these laws are to ensure truth-in-labeling, food safety, user safety, and protection of our environment.

The State Chemist is tasked with protecting waters of the state by adopting rules concerning the distribution and storage of bulk fertilizers, including standards for the storage of bulk fertilizers to protect the waters of the state and use of fertilizer material.

On July 1, 2009, Public Law 81 was amended to the commercial fertilizer law, IC 15-16-2-44, charging OISC with the development of a certification program for the distribution and use of fertilizer material.

## Summary of the Proposed Fertilizer Certification and Licensing Rule

Any person applying fertilizer material **for hire** must have a commercial fertilizer applicator license **AND** be working for a licensed commercial fertilizer business.

Any person applying **manure** from a confined feeding operation (CFO) or any property, must be certified (an exception is made for people that use amounts under 3,000 lbs. or 4,000 gallons of manure).

Any person engaged in the **distribution** of fertilizer material (including manure) must be certified and working for a licensed commercial fertilizer business.

A noncertified applicator can be directly supervised by the following method:

- A certified applicator is responsible for the trained employee and must:
  - Insure that the noncertified employee has received training
  - Keep a record of the training
  - Provide the supervised noncertified trained employee with the means and instructions to:
    - Establish direct voice communication during the use or distribution of fertilizer material; and
    - Immediately contact the Indiana Department of Environmental Management to report any fertilizer material spill that may threaten waters of the state;
  - Make work assignments for the supervised, non-certified, trained employee; and
  - Know the status of the work assignments made to supervised, trained employees.
- A certified supervisor can supervise up to 10 trained employees.

The certification program is modeled after the OISC pesticide certification programs.

- Private applicator certification expires December 31<sup>st</sup> on the 4<sup>th</sup> year
- Private applicators may take the exam again or attend 3 hours of training to become recertified.
- Commercial fertilizer business licenses expire December 31<sup>st</sup> each year.
- Commercial applicator certification expires December 31<sup>st</sup> each year.
  
- For businesses and individuals currently in the OISC pesticide system, a fertilizer applicator endorsement will be added to their existing license.

Questions can be directed to:

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