FISCAL IMPACT STATEMENT

LS 6356
BILL NUMBER: SB 227

SUBJECT: Enforcement of Pesticide Violations.

FIRST AUTHOR: Sen. Leising
FIRST SPONSOR:

BILL AMENDED:

BILL STATUS: As Introduced

IMPACT: State

FUNDS AFFECTED: GENERAL

X DEDICATED

FEDERAL

Summary of Legislation: This bill provides a list of violations for which the State Chemist may impose a civil penalty. It eliminates the schedule of civil penalties as adopted by the Indiana Pesticide Review Board. (Under current law, the State Chemist imposes a civil penalty in accordance with a schedule of civil penalties as adopted by the Indiana Pesticide Review Board.) This bill also provides that the State Chemist may adjust a civil penalty by 20% for certain violations if a person responsible for the violation takes mitigating actions.

Effective Date: July 1, 2021.

Explanation of State Expenditures: The Office of Indiana State Chemist (OISC) will experience an increase in workload relating to imposing civil penalties and monitoring for allowable mitigating actions as described in this bill. These additional requirements may be fulfilled using the OISC’s existing staff and resources.

Explanation of State Revenues: The money collected from these civil penalties may be used only to provide education about pesticides. Any increase or decrease in the total annual amount received from pesticide violations under this bill will impact the total amount credited to the Office of Purdue Pesticide Programs to provide pesticide education.

The pesticide section of the OISC is charged with administration of the Indiana pesticide laws. The following table shows the total pesticide civil penalties received annually from 2015-2019:
This bill organizes civil penalties for pesticide violations into three groups, allowing a maximum fine of up to $250, $500, or $1,000 for a violation depending on the group the violation is placed. The lowest level violations (those carrying up to a $250 fine) may only impose a fee if a warning has been issued to the violator for such violation in the past five years. Both the lowest level violations and middle level violations (those carrying up to a $500 fee) can have the fine amount reduced if the violator takes specific mitigating actions outlined in the bill. The highest level violations (those carrying up to a $1,000 fine) require no warning nor offer any mitigating actions to reduce the fine amount. The current law groups all violations together and allows up to a $250 fine for the first violation, $500 for a second violation, and $1,000 for each subsequent violation.

Additional Information: OISC has issued 31,619 pesticide credentials, including licenses for 5,388 pesticide application businesses, 11,172 pesticide applicators, 3,639 pesticide technicians, 602 pesticide dealers, and 10,818 farmers using pesticides.

In 2018, the OISC pesticide staff investigated 562 complaint cases, an amount higher than the ten-year annual average of 379 complaint cases.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Office of Indiana State Chemist; Purdue University.

Local Agencies Affected:

Office of Indiana State Chemist website Pesticide Section: https://www.oisc.purdue.edu/pesticide/index.html