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States' Applicator Certification & Education Statutes & Regulations: *Kansas*



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States' Applicator Certification & Education Statutes &
Regulations: Kansas

KS Stat § 2-3303
KS Stat § 2-3304
KS Stat § 2-3306
KS Admin Regs § 4-20-3
KS Admin Regs § 4-20-4
KS Admin Regs § 4-20-12
KS Admin Regs § 4-20-13

*The statutes and Constitution are current through the 2018 regular and special legislative sessions.
The statutes are subject to changes by the Kansas Revisor of Statutes.*

KS Stat § 2-3303. Requirements for chemigation users.

Persons applying any chemical by the chemigation process in an irrigation system shall:

- (a) Register with the secretary;
- (b) use anti-pollution devices; and
- (c) keep records and make reports as deemed appropriate by the secretary.

KS Stat § 2-3304. Registration of chemigation users; permit; fee; renewal.

- (a) Any user of the chemigation process shall register and obtain a chemigation user's permit before using the process.
- (b) Registration shall consist of making application on a form supplied by the secretary. Such application shall include, but not be limited to:
 - (1) The name of the persons to whom a permit is to be issued, including an owner or operator of land on which chemigation is to be used;
 - (2) a plan for using anti-pollution devices;
 - (3) a plan for handling tail water or accumulations of water;



(4) the number and locations, including a legal description, of wellheads which may be involved in the chemigation process and surface water supply withdrawal points, not to include siphon tubes; and

(5) payment of fees.

(c) The application fee for a chemigation user's permit shall be \$75 plus \$15 for each additional point of diversion, except that on and after July 1, 2023, a chemigation user's permit shall be \$55 plus \$10 for each additional point of diversion. A chemigation user's permit may be renewed each year upon making an application, payment of the application fee and completing the report form providing information used in chemigation the previous year.

KS Stat § 2-3306. Responsibility of chemigation equipment operators; chemigation equipment operator examination; renewal; fee.

(a) Any individual operating chemigation equipment under a chemigation user permit shall be responsible for the safe operation of such chemigation equipment and any such equipment shall be considered to be under the direct supervision of the chemigation user permit holder.

(b) The secretary shall not issue a chemigation user permit to any person unless such person is a certified chemigation equipment operator or has in such person's employment at least one certified chemigation equipment operator. A chemigation equipment operator is an individual who has successfully completed an examination given by the secretary or the secretary's designee. Except as provided in subsection (c), if the chemigation user permit is issued to an individual, that individual must have successfully completed the chemigation equipment operator examination. Such examination shall include, but not be limited to, the following:

- (1) The proper use of anti-pollution devices;
- (2) preparing the chemical solution and filling the chemical supply container;
- (3) calibrating of injection equipment;
- (4) supervision of chemigation equipment to assure its safe operation;
- (5) environmental and human hazards that may be involved in chemigation;
- (6) protective clothing and respiratory equipment;
- (7) general precautions to be followed in disposal of containers and decontamination of the equipment;



- (8) handling of tail water and other accumulations of water containing chemicals;
 - (9) information of procedures to be followed should chemicals inadvertently enter the water supply source as a result of the chemigation process;
 - (10) label information, especially chemigation instructions;
 - (11) applicable state and federal laws and regulations; and
 - (12) any other subject which the secretary deems necessary.
- (c) The examination provided for in subsection (b) may be waived for any individual who has been certified as a pesticide applicator in the category of chemigation pursuant to the Kansas pesticide law.
- (d) The chemigation equipment operator certification shall expire on December 31 of the fourth calendar year after the year of issue. A chemigation equipment operator certification shall be renewed for a succeeding five year period upon payment of the certification fee and passing the examination specified in either subsection (b) or (c).
- (e) The fee for certification as a chemigation equipment operator or for renewal of such certification shall be \$25, except that on and after July 1, 2023, such certification shall be \$10.

KS Admin Regs § 4-20-3. Records and reports.

- (a) Each person using a chemigation process shall keep records regarding each application of any chemical other than water or animal waste. The records shall contain the following information:
- (1) the type of chemical used;
 - (2) the amount of active ingredient used;
 - (3) the date of use;
 - (4) the legal description of the location of the water supply or the point of diversion of the water supply;
 - (5) the total number of acres treated by means of chemigation;
 - (6) the type of crop to which the chemical was applied; and
 - (7) the EPA registration number for each pesticide applied and the name of the target pest stated as the common name for the pest or pests. When pesticides are applied for the control of weeds, the target



pests may at a minimum be identified as grassy or broadleaf weeds. Records required under this section shall be retained by the holder of the chemigation user permit for a period of not less than two years from the date of application.

(b) Each person using a chemigation process to apply animal wastes through the person's chemigation system shall keep records regarding each application of animal waste. The records shall contain the following information:

- (1) the date of application; and
- (2) the location of the water supply used for chemigation or the legal description of the point of diversion.

(c) Each application for renewal of a chemigation user permit shall be accompanied by a copy of the records for chemigation use during the previous year as described in paragraphs (a) and (b) of this regulation.

(d) Each chemigation permit holder shall report immediately both to the secretary of the board of agriculture and to the secretary of health and environment all spills, accidents, system malfunctions, or other situations involving actual or potential contamination of either groundwater or surface water.

KS Admin Regs § 4-20-4. Permits.

No individual shall supervise more than 10 operating chemigation units at one time.

Each individual possessing a chemigation user permit shall be responsible for insuring that those persons who work under his or her direct supervision and who handle pesticides:

- (a) are knowledgeable in the use of the pesticide;
- (b) are knowledgeable concerning the proper calibration methods for the pesticide;
- (c) are knowledgeable regarding the injection devices and anti-pollution devices being used in the system;
- (d) follow all applicable directions on the pesticide's label; and
- (e) use all safety precautions pertaining to that pesticide.

KS Admin Regs § 4-20-12. Certified chemigation equipment operator examination.



(a) Examinations for certified chemigation equipment operators shall be provided by the Kansas state board of agriculture. A grade of 75% correct answers shall be required to pass the examination.

(b) Examinations for chemigation equipment operator certification shall test the applicant's knowledge in those subject areas set out in K.S.A. 2-3306 as amended and supplemented involving chemigation practices associated with the applicant's agricultural operation and the applicant's legal responsibility as a certified chemigation equipment operator.

KS Admin Regs § 4-20-13. Certificates and pocket cards.

A certificate and pocket card shall be issued to each certified person upon satisfactory completion of the requirements for certification. Such certificate and pocket card shall show the applicator's name, type of certificate issued, the expiration date of the certification and other pertinent information. The certified chemigation equipment operator shall produce such certificate or pocket card when requested to do so by any law enforcement official, the secretary or any authorized representative of the secretary.

