

901:5-11-11 Storage, handling, disposal and distribution of pesticides, custom mixes and blends.

(A) Storage:

- (1) Pesticides shall not be stored:
 - (a) In a manner that could result in contamination of animal feeds or commercial fertilizers.
 - (b) Above or against feed components, animal foods, foodstuffs, medications, or children's toys.
 - (c) Or loaded into aerial application equipment within one hundred yards of an airline passenger terminal.
- (2) For display purposes:
 - (a) Pesticides shall not be shelved above or against feed components, animal foods, foodstuffs, medications, or children's toys.
 - (b) Shelving or display areas used for pesticide display shall be thoroughly cleaned before they are re-used for display of other products.
 - (c) Pesticides having a skull and crossbones symbol on the label shall not be displayed in such manner as to be accessible to children.
- (3) For liquid bulk pesticide facilities:
 - (a) Bulk pesticide storage and handling facilities shall be sited in accordance with appropriate local, state and federal regulations.
 - (b) Containers and accessory equipment used for the storage and handling of bulk pesticides shall be of materials and construction compatible with the pesticide stored and the conditions of storage as specified by the label instructions.
 - (c) Non-mobile liquid bulk pesticide storage container installations shall be constructed such that a secondary means of containment is provided.
 - (i) Secondary containment shall be constructed of sufficient thickness, density and composition so as to contain any spillage or discharged material.
 - (ii) Secondary containment for all facilities that are constructed after August 1, 2011 shall be maintained to contain a minimum of one hundred ten per cent of the capacity of the largest single container plus the displacement of all other items located within the secondary containment.
 - (iii) Secondary containment areas shall not contain a drain unless it is plugged to prevent the release of any spillage from the containment area.
 - (iv) In the event of a spill or release of a pesticide in an amount equal to or exceeding the reportable quantity, as that term is defined by 40 C.F.R. 302.4, the Ohio environmental protection agency shall be contacted in accordance with section 3750.06 of the Revised Code and the rules adopted thereunder.
 - (v) Non-mobile liquid bulk pesticide storage containers shall be secured or elevated high enough to prevent flotation in the event that the secondary containment structure fills with liquid.
 - (d) Upon delivery of the bulk pesticide, the registered product label shall be prominently displayed on the bulk pesticide storage container.
 - (e) Bulk pesticide storage containers shall be locked or ready access to bulk storage containers by unauthorized personnel shall be prevented when the facility is unattended.
- (4) For facilities utilizing containers capable of holding at least 4,000 pounds of dry bulk pesticides:
 - (a) Bulk pesticide storage and handling facilities shall be sited in accordance with appropriate local, state and federal regulations and be constructed of sufficient thickness, density and composition so as to contain any spillage or discharged material.
 - (b) Containers and accessory equipment used for the storage and handling of bulk pesticides shall be of materials and construction compatible with the pesticide stored and the conditions of storage as specified by the label instructions.
 - (c) Containers must be protected from wind and precipitation.
 - (d) Containers must be placed on pallets or raised platforms.
 - (e) Containers must be placed on an impervious surface that extends completely beneath the pallets or raised platforms and be enclosed by a curb that extends at least two feet beyond the perimeter of the containers and is a minimum of six inches high.
 - (f) The registered pesticide label shall be prominently displayed on the bulk pesticide storage container.
- (5) Operators of facilities regulated under paragraphs (A)(3) and (A)(4) of this rule shall:
 - (a) Initiate immediate repair to any visible signs of damage to the containment structures, containers or appurtenances.

- (i) Cracks and gaps in the containment facilities shall be sealed with materials that are compatible with the materials being stored there.
- (ii) All repairs shall commence on the day that damage is noticed and be completed within a time frame that is reasonable taking into account factors such as the weather, the availability of cleanup materials and the availability of the necessary equipment to make the repairs.
- (b) Ensure that all appurtenances necessary for loading and unloading bulk pesticides shall be located within a secondary containment facility or have their own means of secondary containment;
- (c) Ensure that all hoses used for loading and unloading bulk pesticides shall be equipped with shut-off valves at each end;
- (d) Ensure that all pipes and hoses shall be adequately supported to prevent sagging and shall be protected against risk of damage by vehicles engaged in loading and unloading;
- (e) Ensure that all appurtenances shall be made entirely of materials recommended by the manufacturer or specified in applicable standards for use with the type of pesticides they will carry and the types of materials used in the vessels and other appurtenances.
- (f) Ensure that all facilities that are constructed after August 1, 2011 are constructed in such a manner as to prevent water and other liquids from seeping into or flowing onto these areas from adjacent land or structures.
- (g) Ensure that all facilities that are constructed after August 1, 2011 are constructed with materials that are compatible with the materials being stored there and are not made of asphalt or earthen materials.

(B) Transportation of bulk pesticide containers:

- (1) Bulk pesticide containers shall meet all applicable standards as specified by the label instructions and Ohio and United States departments of transportation requirements.
- (2) Bulk pesticide containers shall be thoroughly secured so as to prevent spillage of pesticide and damage to containers during transportation.
- (3) Bulk pesticide containers shall bear the registered product label for the material contained therein.
- (4) In the event of a spill or release of a pesticide in an amount equal to or exceeding the reportable quantity, as that term is defined by 40 C.F.R. 302.4, the Ohio environmental protection agency shall be contacted in accordance with section 3750.06 of the Revised Code and the rules adopted thereunder.

(C) Handling and loading of bulk pesticides:

- (1) Bulk pesticides shall be handled, mixed and loaded in a manner that will assure the protection of crops, livestock, the general public and the environment. Physical and chemical properties shall be considered in the handling and loading of bulk pesticides.
- (2) Loading and mixing of bulk pesticides conducted at permanent distribution sites shall be on impervious surfaces with provisions sufficient to allow containment and recovery of any spillage.
 - (a) Owners or operators of permanent bulk pesticide distribution sites shall initiate immediate repair to any visible signs of damage to the impervious surfaces where bulk pesticides are loaded or mixed.
 - (i) Cracks and gaps shall be sealed with materials that are compatible with the materials being handled there.
 - (ii) All repairs shall commence on the day that damage is noticed and be completed within a time frame that is reasonable taking into account factors such as the weather, the availability of cleanup materials and the availability of the necessary equipment to make the repairs.
 - (b) Owners or operators of permanent bulk pesticide distribution sites shall ensure that all impervious surfaces that are constructed after August 1, 2011 for loading and mixing of bulk pesticides, are constructed in such a manner as to prevent water and other liquids from seeping into or flowing onto these areas from adjacent land or structures.
 - (c) Owners or operators of permanent bulk pesticide distribution sites shall ensure that all impervious surfaces that are constructed after August 1, 2011 for loading and mixing of bulk pesticides, are constructed with materials that are compatible with the materials being handled there and are not made of asphalt or earthen materials.
- (3) Prior to refilling, bulk pesticide containers must be thoroughly cleaned except when a sealed or dedicated recyclable bulk container is refilled with the same labeled pesticide and bears the same label as the pesticide immediately preceding it.
- (4) All rinsates and minor spillages which have not resulted from a container failure and which accumulate in the

secondary containment shall be disposed as provided by the pesticide's label, or in the absence of specific label instructions, shall be disposed in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder.

(D) Disposal of containers and unused pesticides:

- (1) Empty pesticide containers and containers which have held pesticide-treated seed:
 - (a) Shall be disposed in a manner consistent with the pesticide label; or
 - (b) In the absence of specific label instructions, shall be triple-rinsed and disposed in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder; and
 - (c) Shall not be sold or re-used for any purpose, except as provided by paragraph (C)(3) of this rule, unless the containers have been properly cleaned and reconditioned in a manner approved by the director for their intended use or purpose. Re-use of such containers for the storage of human or animal food or water, or for the storage of cooking utensils, dishes or clothing is strictly prohibited.
- (2) Unused pesticides and unwanted pesticide-treated seeds shall be disposed in a manner consistent with their labeling or, in the absence of specific label instructions, shall be disposed in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder.

(E) Distribution of bulk pesticides:

- (1) Bulk pesticides may be repackaged for sale or delivery if:
 - (a) The establishments conducting the sale or delivery are registered as pesticide-producing establishments in accordance with section 7 of FIFRA;
 - (b) A representative of said registered establishment is present when the product is repackaged for sale or delivery; and
 - (c) There is no change in any of the following as a result of the repackaging:
 - (i) The pesticide formulation;
 - (ii) The product labeling, except for the addition of the required EPA establishment number and net contents statement; or
 - (iii) The registrant as evidenced by the assigned EPA product registration number.
 - (d) A written authorization for the repackaging of bulk pesticides is obtained from the registrant, held at the facility conducting the repackaging and made available for inspection by the director.
- (2) Bulk pesticides may be repackaged for sale using only containers which conform with paragraph (A)(3)(b) of this rule and if applicable, paragraph (B)(1) of this rule, and that are approved for this purpose by the seller of the pesticide.
- (3) Scales and meters used for bulk pesticide sales shall meet the specifications, tolerances and other technical requirements for weighing and measuring devices as specified in the current "National Bureau of Standards Handbook 44," or as approved or exempted by the weights and measures division of the Ohio department of agriculture.
- (4) Separate pumps and meters shall be used for each pesticide when distributed for sale.
- (5) All bulk pesticides used for custom mixing, tank mixing or repackaging in Ohio must be registered and labeled in compliance with FIFRA and Chapter 921. of the Revised Code and the rules adopted thereunder.

(F) Custom mixes or blends:

- (1) Shall be prepared to the order of the user within the recommended range of the pesticide's labeling;
- (2) Shall not be held in inventory;
- (3) Or portions thereof, if divided for delivery, shall be labeled with the actual percentage of the pesticide within the custom mix or blend, together with the pertinent and proper directions for its use, purpose and cautions. This requirement may be met by attaching a copy of the end-use labeling of the pesticides used in the blend.
- (4) Shall be prepared in an establishment that:
 - (a) Is registered with the United States environmental protection agency in accordance with FIFRA; and
 - (b) Adheres to the "Good Manufacturing Practices for Medicated Feeds" as promulgated by the United States food and drug administration, 21 C.F.R. 225 to 226, revised April 1, 2003.