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901:5-11-02 Trained servicepersons, safety and restrictions.

(A) Trained servicepersons.

- (1) No employee shall act as a trained serviceperson unless, before the employee's first occupational exposure to pesticides, the employee has:
 - (a) Read the Ohio department of agriculture manual "Safety Training Guide for Trained Servicepersons,"
or
 - (b) Completed an employer sponsored training program which provides training equivalent to that provided in the manual.
- (2) The employee and the immediate supervisor shall verify in writing that the employee has either read the manual or received equivalent training prior to the employee's first exposure to pesticides. The written verification shall be kept on file by the employer throughout the trained serviceperson's period of employment and for three years following termination of the trained serviceperson's employment. This written verification shall be made available to the director of agriculture for inspection.
- (3) No trained serviceperson shall apply pesticides for ~~hire~~their employer unless the trained serviceperson is directly supervised by a commercial applicator that is located within either twenty-five miles distance or two hours time to the work site during the trained serviceperson's pesticide application activities.

(B) No person shall:

- (1) Use a pesticide except in accordance with the label which is registered with the Ohio department of agriculture, or in accordance with sections 5, 18, or 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136-136y (2012) and the rules adopted thereunder.
- (2) Employ to perform an activity subject to section 921.01 of the Revised Code:
 - (a) Any person who is forbidden such employment by state or federal labor laws; or
 - (b) Any person who is mentally incompetent or for any reason is unable to satisfactorily communicate with or understand instructions given by the pesticide applicator.
- (3) Permit any person under the age of eighteen years to handle, mix, or load a pesticide displaying on its label the signal words "danger - poison" without on-site supervision by a pesticide applicator.
- (4) Permit any person to mix or load pesticides in an area where the light, whether natural or artificial, is insufficient to read the pesticide label and work in a safe manner.
- (5) Operate application equipment which draws water from surface waters or public water supplies unless the equipment has an effective anti-siphon device to prevent backflow.
- (6) Operate equipment for the application of pesticides, including such auxiliary equipment as hoses and metering devices in such conditions or in such a manner as to result in leakage, spillage, dripping, backflow, vapors, or drift.
- (7) Knowingly loan, rent, or permit the use of applicator equipment owned or controlled by that person which does not comply with the requirements described in paragraphs (B)(5) and (B)(6) of this rule, or which

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has not been thoroughly cleaned in a manner to prevent contamination of a pesticide solution or other formulation by previous use.

- (8) Apply pesticide to an area or a crop in such a manner or at such a time that adjacent crops, pasture land, water or other areas will be damaged or contaminated.
- (9) Mix, load, or store agricultural pesticides within the perimeter of a migrant labor camp.
- (10) Distribute a restricted-use pesticide to a person who is not:
 - (a) A licensed pesticide dealer; or
 - (b) A properly licensed pesticide applicator, unless when making the distribution they receive verification that the ultimate user is a properly licensed pesticide applicator who holds a valid license or certification issued by the state in which the pesticide applicator applies the restricted-use pesticide.
- (11) Under authority of division (D) of section 921.16 of the Revised Code, use or cause to be used an ester formulation of 2, 4-D (2, 4-Dichlorophenoxy-acetic acid) within Madison township, Lake county, Ohio.
- (12) Apply herbicidal foliage sprays to woody vegetation by aircraft on rights-of-way when the wind velocity exceeds seven miles per hour at eye level.
- (13) Drive a moving vehicle while applying an herbicide to roadside vegetation within public right-of-way limits unless the spray is directed by a second person or unless the applicator is using a vehicle equipped with a mounted spray boom which is designed to be operated by the driver.
- (14) Apply by aircraft:
 - (a) Any pesticide without having first obtained licensure for ~~both~~ the aerial application pesticide-use category ~~and the pesticide-use category appropriate to the particular pesticide being applied~~; or
 - (b) Any rodenticide, avicide, or vertebrate repellent until the proposed application has been jointly approved by the director and by the division of wildlife of the Ohio department of natural resources; the application for such approval shall be submitted to both agencies fourteen days prior to planned treatment and shall include:
 - (i) The county, township and sections involved;
 - (ii) A clear description of areas to be treated;
 - (iii) Inclusive dates of intended operation;
 - (iv) The name of the pesticide and the formulation to include all active and inert ingredients;
 - (v) The name of the target pest; and
 - (vi) The effect which may be expected on non-target species in the area.
- (15) Apply or cause to be applied any pesticide that is required to carry a special warning on its label indicating that it is toxic to honey bees, over an area of one-half acre or more in which the crop-plant is in flower unless the owner or caretaker of any apiary located within one-half mile of the treatment site has been notified by the person no less than twenty-four hours in advance of the intended treatment;

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provided the apiary is registered and identified as required by section 909.02 of the Revised Code, and that the apiary has been posted with the name and telephone number of the owner or responsible caretaker.

- (16) Apply pesticides which are hazardous to honey bees at times when pollinating insects are actively working in the target area; however, application of calyx sprays on fruits and other similar applications may be made.
- (C) No commercial applicator shall apply fumigants unless the commercial applicator is properly licensed in, and the application is made within, the following pesticide-use categories:
- (1) "Soil fumigation" as defined in paragraph (N)(2)(f) of rule 901:5-11-01 of the Administrative Code;
 - (2) "Fumigation" as defined in paragraph (N)(10)(c) of rule 901:5-11-01 of the Administrative Code; or
 - (3) "Greenhouse pest control" as defined in paragraph (N)(6)(d) of rule 901:5-11-01 of the Administrative Code.
- (D) Pesticide applicators shall:
- (1) Provide to trained servicepersons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision the necessary safety equipment as set forth on the pesticide label or as required by the pesticide being used.
 - (2) Acquaint trained servicepersons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision with any special hazards involved with those pesticides with which they might be in contact and instruct them in appropriate precautions to avoid those hazards.
 - (3) Ensure that trained servicepersons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision do not apply pesticides in the absence of the supervising pesticide applicator unless the label of the pesticide they are applying is readily available to them at the worksite. The label of the pesticide shall be made available to the director for inspection during the application. Notwithstanding the foregoing, a pesticide applicator shall be present during application of a pesticide by their trained serviceperson, immediate family member or subordinate employee when the pesticide applicator's presence is required by the pesticide label.
 - (4) Report to the department of agriculture:
 - (a) By telephone within forty-eight hours after learning of any human illness requiring medical attention resulting from or allegedly resulting from a pesticide used by the pesticide applicator or a trained serviceperson, immediate family member, or subordinate employee working under the pesticide applicator's direct supervision. Such telephone notification shall be followed by a written report within seven calendar days.
 - (b) By written report within ten calendar days after learning of any property damage in excess of five hundred dollars resulting from or allegedly resulting from a pesticide used by the pesticide applicator or a trained serviceperson, immediate family member, or subordinate employee working under the pesticide applicator's direct supervision.
 - (5) Not apply a restricted use pesticide whose label requires that notice be given to occupants of nearby properties or that the area to be treated be posted with re-entry times unless those requirements have

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been met. This requirement is also applicable to all trained service persons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision.

- (6) Provide to each customer and resident of the applied property if requested, or required by the pesticide label, a printed or legibly written statement of the pesticide applied, the amount applied, the date of application, and any other pertinent information as required by the pesticide label. This requirement is also applicable to all trained service persons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision.

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901:5-11-09 Notification requirements for lawn pesticide applicators.

- (A) No commercial applicator or trained serviceperson working under the direct supervision of a commercial applicator shall:
- (1) Apply any lawn pesticides to residential lawns in any municipal corporation or subdivided area of a township unless:
 - (a) They provide the following information in writing to the person on whose property the chemical is being applied. This information shall be provided prior to or at the time of application:
 - (i) The brand or common name of each lawn pesticide applied;
 - (ii) The chemical type (fungicide, herbicide, or insecticide);
 - (iii) Any special instruction on the label of the lawn care pesticide product applicable to the customer;
 - (iv) The company name and telephone number of the applicator's employer;
 - (v) The date and time of the application;
 - (vi) Any other pertinent information as required by the label; ~~and~~ [and](#)
 - (vii) A written statement regarding lawn signs posted in accordance with paragraph (A)(1)(c) of this rule which reads as follows: "Lawn posting signs must remain in place for twenty-four hours following lawn application." ~~; and~~
 - (b) The pesticide business has attempted the notification required by paragraph (B)(1) of this rule.
 - (c) They have placed at conspicuous points, including, but not limited to, common access points on the property to which lawn pesticides have been applied, one or more signs:
 - (i) The sign shall measure at least five inches by four inches on adjacent sides and be attached to the upper portion of a dowel or other supporting device. The bottom edge of the sign must be at least fourteen inches from the ground and the sign must be weatherproof for twenty-four hours.

The sign shall be in the form and carry the wording and warning symbol illustrated:

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The required warning symbol and lettering on the sign shall be in the same proportion as the wording and warning symbol illustrated herein and in proportion to the actual size of the sign. No company logos or other advertising graphics may appear on the face of the sign. The signs posted at access points must be within five feet of the access point.

~~(ii) No other signs may be posted on the treated property by the pesticide business within thirty feet of the above sign.~~

(ii) The sign shall be placed in plain sight and shall not be obscured by any other object.

(iii) After January 1, 2016, no additional information may appear on the reverse side of the sign unless it is identical to the face of the sign.

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- (2) Apply any lawn pesticides to commercial lawns in any municipal corporation or subdivided area of a township unless:
 - (a) They have provided the information required in paragraph (A)(1)(a) of this rule prior to or at the time of application and the date and approximate time of application with the individual on site who is responsible for administration of the property on which the lawn pesticide is applied; and
 - (b) They have posted the signs required under paragraph (A)(1)(c) of this rule in the manner prescribed therein.
 - (3) Apply any lawn pesticides to public lawns in any municipal corporation or subdivided area of a township unless:
 - (a) They have provided the information required in paragraph (A)(1)(a) of this rule prior to or at the time of application and the date and approximate time of application to the individual on site who is responsible for administration of the property on which the lawn pesticide is applied. The information required under paragraph (A)(1)(a)(vii) of this rule may be omitted if signs have been permanently placed in accordance with paragraph (A)(3)(b) of this rule; and
 - (b) They have either posted the signs required under paragraph (A)(1)(c) of this rule in the manner prescribed therein or they have permanently placed at common access points to the property a sign no less than eight inches by ten inches with the legend: "PERIODIC APPLICATION OF LAWN PESTICIDES - INQUIRE AT: (location where information may be obtained)." The designated location shall be a site which is accessible to the public during normal hours of operation; and
 - (c) The information in paragraphs (A)(1)(a)(i) to (A)(1)(a)(vi) of this rule must be made available to the public upon request when signs are posted in accordance with paragraph (A)(1)(c) of this rule; and
 - (d) The information in paragraphs (A)(1)(a)(i) to (A)(1)(a)(vi) of this rule must be obtainable at the location designated on signs which are permanently placed in accordance with paragraph (A)(3)(b) of this rule.
- (B) The pesticide business shall, for applications made under paragraph (A)(1) of this rule:
- (1) Make a reasonable attempt to provide, on or before the business day preceding the applications, the date and approximate time of application, and the name and telephone number of the pesticide business, to any occupant of a residence whose property abuts the treated property and who has notified the pesticide business in a writing that includes the occupant's name, mailing address, and telephone number, that they wish to receive prior notice of pesticide applications;
 - (2) Make available to in writing all the information listed in paragraphs (A)(1)(a)(i) to (A)(1)(a)(vi) of this rule to an occupant of a residence whose property abuts the treated property and who contacts the pesticide business following an application made under this rule requesting information about that application; and
 - (3) Retain for a period of three years the name, address, and telephone number of each person who has requested notification under this paragraph. These records shall be complete, current, and in a form that accommodates inspection by the director. Prior to deleting these records at the end of three years, the

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pesticide business shall notify the person that their record is going to be deleted. The pesticide business shall not delete the record for any person who indicates in writing that that they wish to continue receiving notification under this paragraph.

For the purposes of this paragraph, properties which are completely separated from the treated property by a right-of-way, or which share with the treated property a single common point along the perimeters of the properties are not considered abutting properties.

- (C) No pesticide business or employee of a pesticide business shall bear liability for the removal by unauthorized persons of the signs required by this rule except that no employee of the pesticide business shall remove the signs ~~prior to~~for twenty-four hours following lawn pesticide application.
- (D) Any information required to be provided under paragraph (A) of this rule may, if the person to whom the information is to be given is absent or inaccessible at the time the attempt is made, be left at that person's place of residence or business.
- (E) Paragraphs (A)(1), (A)(2) and (A)(3) of this rule do not apply to any commercial applicator while making the following pesticide applications:
 - (1) Any application to any property that is an agricultural district or that would meet the eligibility requirements established for an agricultural district under Chapter 929. of the Revised Code, on which agricultural commodities are or will be produced;
 - (2) Any application for the purpose of the maintenance, operation, or construction of a public utility;
 - (3) Any treatment for the eradication or control of pests declared to be a nuisance by the director of the Ohio department of agriculture, director of the Ohio department of health or local health districts, and for which immediate application is necessary to prevent significant human, environmental, or economic harm.

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901:5-11-19 Pesticide safety for agricultural workers and handlers.

- (A) The department of agriculture adopts the Agricultural Worker Protection Standard found in 40 C.F.R. 170 ~~(1992)~~[\(2015\)](#), as the pesticide safety standard for Ohio.
- (B) The standard applies to all agricultural workers and handlers working with, in, or around pesticides, as defined in the Agricultural Worker Protection Standard.
- (C) Any exemptions or exceptions found in the Agricultural Worker Protection Standard apply to this rule.