

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**901:5-4-02 Fertilizer Applicator Certification.**

- (A) Beginning September 30, 2017, no person shall apply fertilizer for the purposes of agricultural production unless either of the following applies:
- (1) That person has been issued a fertilizer certificate by the director; or
  - (2) That person is acting under the instructions and control of a certificate holder and is either:
    - (a) An immediate family member of the certificate holder; or
    - (b) An individual employed by the same business or farm ~~which the~~ as the certificate holder ~~is employed~~ by.
- (B) An applicant shall be issued a fertilizer certificate if the applicant has satisfied the requirements set out in Chapter 905 of the Revised Code and the rules adopted thereunder, and the following have been received by the director:
- (1) The fee as set forth in paragraph (D) of this rule;
  - (2) A completed formal application; and
  - (3) Certificate showing that the applicant has successfully completed a fertilizer education course as set forth in rule 901:5-4-03.
- (C) A completed formal application on a form prescribed by the director shall include the following:
- (1) Name of the applicant;
  - (2) Address of applicant;
  - (3) Applicant's date of birth;
  - (4) Name of employer, if applicable;
  - (5) Address of employer, if applicable;
  - (6) Phone number of the applicant; and either
  - (7) Pesticide applicator license number, if applicable; or
  - (8) The last four digits of the applicant's social security number.
- (D) The initial fee and the renewal fee for a fertilizer certificate shall be \$30 per certification period. These fees are non-refundable. These fees are not applicable to the following individuals:
- (1) A person who holds a valid and current commercial applicator license under section 921.06 of the Revised Code; and,
  - (2) A person who holds a valid and current private applicator license under section 921.11 of the Revised Code.
- (E) Except for as provided below, the certification period for certificate holders shall commence on the first day

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

of ~~June~~April and shall expire the last day of ~~May~~March of the third year following issuance of the certificate.

- (1) The certification period for certificate holders who hold a valid and current commercial applicator license under section 921.06 of the Revised Code shall commence on the first day of October and shall coincide with the certification period associated with their commercial applicator license.
- (2) The certification period for certificate holders who hold a valid and current private applicator license under section 921.11 of the Revised Code shall commence on the first day of April and shall coincide with the certification period associated with their private applicator license.

(F) Certificate holders who have completed the renewal education requirements found in paragraph (C) of rule 901:5-4-03 but have failed to complete the renewal application process prior to the expiration of their certificate may renew their certificate within one hundred and eighty days after the date of expiration without having to comply with the education requirements of a new applicant found in paragraph (B) of rule 901:5-4-03.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**901:5-4-03 Education requirements.**

(A) Each applicant for a fertilizer certificate shall successfully complete a department approved agricultural nutrient training course which, at a minimum, educates the applicant on the following:

- (1) The proper times to apply fertilizer, including time of day and time of season;
- (2) The proper place to apply fertilizer;
- (3) The form of fertilizer that should be applied;
- (4) The proper amount of fertilizer to be applied;
- (5) The storage and handling of fertilizer; and
- (6) The proper fertilizer application techniques.

~~(B) Except as provided in this paragraph, all applicants for a fertilizer certificate must complete three hours of agricultural nutrient training. The following individuals are exempted from this requirement:~~

- ~~(1) Individuals who, at the time of their initial application for a fertilizer certificate, maintain a valid and current pesticide applicator license as outlined in Chapter 921. of the Revised Code shall complete a minimum of two hours of agricultural nutrient training.~~
- ~~(2) Individuals who, at the time of their renewal application for a fertilizer certificate, maintain a valid and current fertilizer certificate under the rules of this chapter, shall complete a minimum of two hours of agricultural nutrient training.~~

(B) Each applicant for an initial fertilizer certificate shall complete one of the following educational requirements, if applicable, within twelve months prior to applying for certification:

- (1) Three hours of agricultural nutrient training as set forth in this rule.
- (2) Individuals whom have demonstrated that they possess adequate knowledge of the fertilizer training requirements set forth in this rule by successfully passing a fertilizer examination approved by the department within twelve months of applying for certification.

(C) Each applicant whom possesses a valid and current fertilizer certificate and wishes to renew their certificate shall complete one of the following educational requirements:

- (1) One hour of agricultural nutrient training as set forth in this rule.
- (2) Individuals may demonstrate that they possess adequate knowledge of the fertilizer training requirements set forth in this rule by successfully passing a fertilizer examination approved by the department within twelve months of applying for certification.
- (3) Individuals whom have obtained their fertilizer certificate within twelve months of applying for a renewal certificate are not required to complete the renewal educational requirements found in paragraphs (C)(1) and (C)(2) of this rule.

~~(C) Each applicant shall successfully complete a course which satisfies paragraphs (A) and (B) of this rule within twenty-four months prior to submitting an application, including renewal applications, for a fertilizer~~

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

~~certificate.~~

- (D) Opportunity to take a fertilizer applicator course will be provided at such times and places as approved by the director in consideration of the number and location of requests for courses.
- (E) The following individuals are exempted from the education requirements found in this rule:
  - (1) Individuals whom have provided evidence that they have completed the training provided in accordance with the "certified crop advisor" program conducted by the "American society of agronomy."
  - (2) Individuals who hold a valid and current livestock managers certification under section 903.07 of the Revised Code.

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**901:5-4-04 Recordkeeping.**

- (A) All fertilizer certificate holders shall maintain fertilizer application records. For each application of fertilizer applied for the primary purpose of agricultural production, the certificate holder or the applicator acting under their instructions and control shall document the following information within twenty-four hours of application:
- (1) The date of the application of fertilizer;
  - (2) The place of application of fertilizer;
  - (3) The number of acres applied;
  - ~~(3)~~(4) The rate of application of fertilizer;
  - (5) The total amount of fertilizer applied, by weight or volume;
  - ~~(4)~~(6) An analysis of the fertilizer applied;
  - ~~(5)~~(7) The name of the individual ~~who~~who applied the fertilizer;
  - ~~(6)~~(8) The name of the certificate holder, if applicable;
  - ~~(7)~~(9) The soil conditions at the time of the application;
  - ~~(8)~~(10) The type of application method (soil injected, incorporated, surface, ~~et~~etc.);
  - ~~(9)~~(11) The weather conditions at the time of application, including temperature and precipitation;
  - ~~(10)~~(12) The weather forecast for the day following application; and
  - ~~(11)~~(13) For surface application only, whether the land at the time of application was frozen and/or snow covered.
- (B) All individuals acting under the instructions and control of a certificate holder shall transmit all fertilizer application records to the certificate holder within ten days of application.
- (C) Fertilizer application records shall be maintained for a period of three years. If applicable, the employer of a certificate holder may elect to maintain the fertilizer application records. If elected, the employer shall maintain the fertilizer application records for a period of three years even if the employee-employer relationship has ended. The employer must make the records available to the certificate holder and the department of agriculture, upon request.
- (D) All fertilizer certificate holders shall transmit all fertilizer application records to the farm operator within thirty days of application.
- (E) Fertilizer certificate holders are not required to submit these records to the director, but the records shall be made available to the director or the director's designee for review upon request.