



REQUEST FOR PUBLIC COMMENT Pesticide Update 2017 – Amended Rules

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. The comment period will remain open through May 16, 2017. Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

The rules in chapter 901:5-11 of the Administrative Code regulate pesticide application in the state of Ohio. These rules protect the citizens of Ohio by training and regulating pesticide applicators on proper pesticide use and application. The rules below have been reviewed by the Department of Agriculture (“Department”) and industry stakeholders pursuant to Revised Code 119.32, and have been found to need the changes as outlined.

OAC 901:5-11-02 is being amended to clarify that trained servicepersons shall not apply pesticides for their employer unless their supervisor is within the allotted distance. The amendment replaces the word “apply pesticides for hire” with “for their employer.” This amendment was brought about by several applicators attempting to claim that the trained serviceperson was not hired but rather their employer was. The amendment closes this potential loophole. Further, OAC 901:5-11-02 is being amended to no longer require aerial applicators to pass a category exam for the pesticides they are spraying. This is due to a change in the industry for which the applicator themselves never get out of the aircraft. Rather, they land, an individual fills up his pesticide tank and the pilot is given the coordinates on where to fly. Since the pilot is not handling the pesticides a category examination is not necessary.

OAC 901:5-11-09 sets forth notification requirements for pesticide applicators. The rule’s proposed amendment ensures that the public is properly notified and warned by not allowing obstructed sightlines to the lawn chemical application sign.

OAC 901:5-11-19 adopts the Agricultural Worker Protection standard as the pesticide safety standard in Ohio. This rule is being amended to clarify the rule.

