

ODA - Plant Health - Pesticide

BASE INVENTORY OF REGULATORY RESTRICTIONS

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RULE NUMBER	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
OAC 901:5-11-01(A)	(A) "Anti-siphon device" means a check valve or mechanism used to prevent backflow on any application equipment drawing water directly from any supply. If the anti-siphon device is not a mechanical device it must include a physical air gap of at least two times the diameter of the point of discharge between the water supply and the highest portion of the tank.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-01(O)(7)	Private applicators licensed in the pesticide use categories covered by paragraphs (O)(1) to (O)(6) of this rule shall be deemed to be licensed under paragraph (O)(7) of this rule.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(A)(1)	(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.	ORC 921.16	Yes, state law	Yes, state law

OAC 901:5-11-02(A)(2)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(A)(2)	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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(A)(2)	This written verification shall be made available to the director of agriculture for inspection.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(A)(3)	(3) No trained serviceperson shall apply pesticides for 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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(1)	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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(2)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(3)	(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.	ORC 921.16	No, general rulemaking authority	Yes, federal law
OAC 901:5-11-02(B)(4)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-02(B)(5)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(6)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(7)	(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 has not been thoroughly cleaned in a manner to prevent contamination of a pesticide solution or other formulation by previous use.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(8)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(9)	(9) Mix, load, or store agricultural pesticides within the perimeter of a migrant labor camp.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(10)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(11)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(12)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-02(B)(13)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(14)(a)	(14) Apply by aircraft: (a) Any pesticide without having first obtained licensure for the aerial application pesticide-use category ; 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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(14)(b)	Application for aerial aircraft 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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(B)(15)	(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; 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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-02(B)(16)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(C)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(1)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(2)	Pesticide applicators shall (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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(3)	Pesticide applicators shall (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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-02(D)(3)	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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(4)(a)	Pesticide applicators shall 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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(4)(a)	Such telephone notification shall be followed by a written report within seven calendar days.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(4)(b)	Pesticide applicators shall report to the department of agriculture ... (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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(5)	Pesticide applicators shall (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 been met.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(5)	This requirement is also applicable to all trained service persons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision.	ORC 921.17	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-02(D)(6)	Pesticide applicators shall (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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-02(D)(6)	This requirement is also applicable to all trained service persons, immediate family members, and subordinate employees working under the pesticide applicator's direct supervision.	ORC 921.17	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-03(A)	(A) The initial and renewal fee for each pesticide business license and registered location shall be thirty-five dollars per licensing period. This fee is non-refundable.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-03(A)	If an application for license renewal is not postmarked prior to the expiration of the current licensing period as established in paragraph (B) of this rule, this fee shall be increased by fifty per cent.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-03(B)	(B) The licensing period for pesticide businesses shall commence on the first day of October of each year and expire on the last day of September of the following year.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-03(C)	(C) An applicant shall be issued a pesticide business license if the applicant has satisfied the licensing requirements set out in Chapter 921. of the Revised Code and the rules adopted thereunder, and the following have been received by the director: (1) A completed formal application listing the headquarters of the pesticide business and each registered location; (2) Proof of financial responsibility as required by paragraph (E) of rule 901:5-11-07 of the Administrative Code. and (3) The fee as set out in paragraph (A) of this rule.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-03(C)(2)	For a license renewal, failure to provide acceptable proof of financial responsibility prior to the first day of October of each year shall cause the fee to be increased by fifty per cent in accordance with paragraph (A) of this rule;	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-04(A)	(A) The initial and renewal fee for a commercial applicator license shall be thirty-five dollars per licensing period. This fee is non-refundable.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-04(A)	If an application for license renewal is not postmarked prior to the expiration of the current licensing period as established in paragraph (B) of this rule, this fee shall be increased by fifty per cent.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-04(B)	(B) The licensing period for commercial applicators shall commence on the first day of October of each year and expire on the last day of September of the following year.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-04(C)	(C) An applicant shall be issued a commercial applicator license if the applicant has satisfied the licensing requirements set out in Chapter 921. of the Revised Code and the rules adopted thereunder, and the following have been received by the director: (1) A completed formal application; (2) Demonstration that the applicant possesses the adequate knowledge and competence to apply pesticides and conduct diagnostic inspections within the pesticide use categories for which the applicant seeks licensure, as set forth in rule 901:5-11-08 of the Administrative Code; and (3) The fee as set forth in paragraph (A) of this rule.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-05(B)	(B) The licensing period for private applicators shall commence on the first day of April	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-05(C)	The licensing period for private applicators shall expire on the last day of March of the third year following issuance of the license.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-05(B)	(C) An applicant shall be issued a private applicator license if the applicant has satisfied the licensing requirements set out in Chapter 921. of the Revised Code and the rules adopted thereunder, and the following have been received by the director: (1) A completed formal application; (2) Demonstration that the applicant possesses the adequate knowledge and competence to apply pesticides within the pesticide use categories for which the applicant seeks licensure, as set forth in rule 901:5-11-08 of the Administrative Code; and (3) The fee as set forth in paragraph (A) of this rule.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-06(A)	(A) The initial and renewal fee for a pesticide dealer license shall be thirty-five dollars per licensing period. This fee is non-refundable.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-06(B)	(B) The licensing period for pesticide dealers shall commence on the first day of October of each year and expire on the last day of September of the following year.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-06(C)	(C) An applicant shall be issued a pesticide dealer license if the applicant has satisfied the licensing requirements set out in Chapter 921. of the Revised Code and the rules adopted thereunder, and the following have been received by the director: (1) A completed formal application; and (2) The fee as set forth in paragraph (A) of this rule.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(A)(1)	(1) Paragraph (B) of this rule shall apply to all pesticide businesses, except pesticide businesses whose activities are limited to: (a) Conducting wood-destroying insect diagnostic inspections; (b) Application of boat antifoulants; (c) Seed treatment; or (d) Those performed as a pesticide solicitor.	ORC 921.16; ORC 921.10	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(A)(2)	(2) Paragraph (C) of this rule shall apply to pesticide businesses that make wood-destroying insect diagnostic inspections, whether or not that business also applies pesticides.	ORC 921.16; ORC 921.11	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-07(A)(3)	(3) Paragraph (D) of this rule shall apply to pesticide businesses that conduct aerial pest control applications.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(A)(4)	(4) Paragraph (E) of this rule shall apply to all pesticide businesses that are required to maintain financial responsibility under this rule.	ORC 921.16; ORC 921.13	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(B)	(B) Every pesticide business shall have in force a commercial general liability insurance policy and, either a separate professional liability insurance policy or an endorsement covering the properties under the care, custody, and control of the pesticide application business as it relates to the application of pesticides, including but not limited to the damage to the actual properties the pesticide business is treating or working on in each of the pesticide use categories in which the commercial applicators employed by the business are licensed.	ORC 921.16; ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(B)	The policies and endorsements shall: (1) Provide coverage for each registered location associated with the pesticide business; (2) Provide coverage for bodily injury, property damage, products, and completed operations due to the application of pesticides at the location applied and for third party claims; and (3) Contain the following minimum limits of insurance: (a) Three hundred thousand dollars policy general aggregate; (b) Three hundred thousand dollars per occurrence limit; and (c) Three hundred thousand dollars products and completed operations aggregate.	ORC 921.16; ORC 921.15	Yes, state law	Yes, state law
OAC 901:5-11-07(C)	(C) Every pesticide business which is also licensed in the pesticide use category of wood-destroying insect diagnostic inspection shall obtain either a specific liability policy or an endorsement on an existing commercial general liability policy covering claims which arise from errors or omissions in the performance of wood-destroying insect diagnostic inspections.	ORC 921.16; ORC 921.16		

OAC 901:5-11-07(C)	The policy and endorsements shall contain the following minimum limits of insurance: (1) One hundred thousand dollars policy general aggregate; and (2) Fifty thousand dollars per occurrence limit.	ORC 921.16; ORC 921.17	Yes, state law	Yes, state law
OAC 901:5-11-07(D)	(D) Every pesticide business that conducts aerial pest control applications shall have in force a comprehensive chemical liability insurance policy for the properties under the care, custody, and control of the pesticide application business as it relates to the application of pesticides from aircraft, including but not limited to the damage to the actual properties the pesticide business is treating or working on.	ORC 921.16; ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-07(D)	The policy and endorsements shall: (1) Provide coverage for bodily injury, property damage, products, and completed operations due to the application of pesticides at the location applied and for third party claims; and (2) Contain the following minimum limits of insurance: (a) One hundred thousand dollars property damage coverage per occurrence; and (b) One hundred thousand dollars bodily injury (excluding passengers) coverage for each person; and (c) Three hundred thousand dollars bodily injury (excluding passengers) coverage per occurrence.	ORC 921.16; ORC 921.19	Yes, state law	Yes, state law
OAC 901:5-11-07(E)	(E) Every person applying for a pesticide business license shall submit with their license application either a certificate of insurance or a binder verifying that they meet the requirements of this rule.	ORC 921.16; ORC 921.20	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-07(E)	The certificate of insurance or binder shall contain: (1) The name and address of the issuing company; (2) The name and address of the insured pesticide business; (3) The name and address of each registered location associated with the insured pesticide business; (4) The effective date and expiration date of the insurance policy; (5) The policy number; (6) A statement verifying that the policy provides the coverage required in paragraphs (B), (C), and/or (D) of this rule; (7) The limits of insurance; and (8) A clause which states in the same or similar language: "In the event of cancellation for non-payment, the insurer agrees to advise the Ohio Department of Agriculture, Pesticide Regulation Section, 8995 East Main Street, Reynoldsburg, Ohio 43068, by written notice ten days prior to the effective date of cancellation. If the policy is, for any other reason, canceled, not renewed, or there is a material change the insurer agrees to give the Ohio Department of Agriculture thirty days written notice."	ORC 921.16; ORC 921.21	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(A)	(A) Each applicant for a pesticide applicator license shall show that the applicant possesses adequate knowledge of general pesticide application principles and competence to apply pesticides by passing a general core examination and an additional examination for each applicable pesticide-use category.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(A)	In addition, each applicant for a commercial applicator license shall demonstrate adequate knowledge and competence to conduct diagnostic inspections within the pesticide-use categories for which the applicant seeks licensure.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(A)(4)	(4) Each applicant for licensure as a commercial applicator in the category of wood-destroying insect diagnostic inspection shall submit a valid certificate verifying that they have completed the Ohio wood-destroying insect inspection program.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(A)(5)	(5) Applicants who fail to pass the general core examination shall not be issued a license.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-08(A)(6)	(6) Except for private applicators, applicants who fail to pass at least one pesticide-use category examination shall not be issued a license.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(A)(8)	(8) Applicants who either fail the general core examination or fail to pass at least one pesticide-use category may re-utilize passing scores on either the general core exam or a pesticide use category so long as those scores are not older than one year. If the applicant is unable to obtain licensure within that year, the applicant must pass both a new core examination and a new pesticide-use category examination, even if the applicant had previously received a passing score on either the core or a pesticide-use category examination.	ORC 921.16; ORC 921.13	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)	(B) Re-examination shall be required at three-year intervals, except that a pesticide applicator may be exempted from re-examination if they have participated in the minimum amount of approved training during the three years prior to the date of their scheduled re-examination.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)	Notwithstanding the minimum number of hours set forth below, a licensee shall participate in at least one-half hour of training for each pesticide-use category in which they are licensed in order to avoid re-examination in that particular category.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(1)	(1) For commercial applicators, the minimum amount of approved training required shall be five hours.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(1)	Of the five hours, at least one hour shall consist of core training material	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(1)	at least one-half hour shall consist of training material specific to the pesticide-use category in which the commercial applicator is licensed.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(2)(a)	(a) Licensed in pesticide use categories other than the category of specialty uses, the minimum amount of approved training required shall be three hours.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(2)(a)	Of the three hours, at least one hour shall consist of core training material	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-08(B)(2)(a)	at least one half hour shall consist of training material specific to each pesticide-use category in which the private applicator is licensed	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(2)(b)	For private applicators (b) Licensed only in the category of specialty uses, the minimum amount of approved training required shall be three hours.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(B)(2)(b)	For private applicators, Of the three hours, at least one hour shall consist of core training material.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-08(C)	(C) In no case shall an applicant be permitted to take an examination or a re-examination unless the applicant has presented at the time of the examination or re-examination a current government-issued photographic identification to the ODA representative administering the examination or re-examination.	ORC 921.16; ORC 921.12	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)	(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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(a)	(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;	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(a)(vi)	(vi) Any other pertinent information as required by the label;	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(a)(vii)	(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."	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-09(A)(1)(c)(i)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(i)	The bottom edge of the sign must be at least fourteen inches from the ground	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(i)	the sign must be weatherproof for twenty-four hours.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(i)	The sign shall be in the form and carry the wording and warning symbol illustrated	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(i)	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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(i)	The signs posted at access points must be within five feet of the access point.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(ii)	The sign shall be placed in plain sight	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(1)(c)(ii)	The sign shall not be obscured by any other object.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(2)	No commercial applicator or trained service person shall 2) Apply any lawn pesticides to commercial lawns in any municipal corporation or subdivided area of a township unless:	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(2)(a)	(a) They have provided the information required in paragraph (A)(1)(a) of this rule prior to or at the time of the 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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(2)(b)	(b) They have posted the signs required under paragraph (A)(1)(c) of this rule in the manner prescribed therein.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(3)	No commercial applicator or trained service person shall (3) Apply any lawn pesticides to public lawns in any municipal corporation or subdivided area of a township unless:	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-09(A)(3)(a)	(a) They have provided the information required in paragraph (A)(1)(a) of this rule prior to or at the time of the 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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(3)(b)	(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)."	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(3)(b)	The designated location shall be a site which is accessible to the public during normal hours of operation;	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(3)(c)	(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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(A)(3)(d)	(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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(B)(1)	(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;	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-09(B)(2)	Pesticide business shall (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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(B)(3)	Pesticide business shall 3) Retain for a period of three years the name, address and telephone number of each person who has requested notification under this paragraph.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(B)(3)	These records shall be complete, current and in a form that accommodates inspection by the director.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(B)(3)	Prior to deleting these records at the end of three years, the pesticide business shall notify the person that their record is going to be deleted.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(B)(3)	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.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(C)	(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	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-09(C)	no employee of the pesticide business shall remove the signs for twenty-four hours following lawn pesticide application.	ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-10(A)(1)	Commercial applicators (1) Applying pesticides under the pesticide use categories defined in paragraphs (N)(7) and (N)(10) of rule 901:5-11-01 of the Administrative Code, or to structures and their contents shall record, in English, on the date of application the following information for each application made by the commercial applicator or trained service persons working under the commercial applicator's direct supervision: (a) Name of responsible commercial applicator and names of the trained service persons applying pesticides under the commercial applicator's direct supervision; (b) Name and address of person contracting for service; (c) Date of application; (d) Pests to be controlled; (e) Locations and methods of treatment for each pesticide used; (f) Trade name (brand name) and EPA registration number of pesticides used; (g) Application concentration or dilution used for each pesticide and total volume applied; (h) Time of day of application, including the time of starting the actual application and the time of completion of application or, if uncompleted, the time when operations ceased for the day.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
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OAC 901:5-11-10(A)(2)	(2) All pesticide applications not covered in paragraph (A)(1) of this rule shall record, in English, on the date of application the following information for each application made by the commercial applicator or trained service persons working under the commercial applicator's direct supervision: (a) Name of responsible commercial applicator and names of the trained service persons applying pesticides under the commercial applicator's direct supervision; (b) Name and address of person contracting for service; (c) Date of application; (d) Type and size of area to be treated; (e) Location or field identification number of treatment area, if different than the address in paragraph (A)(2)(b) of this rule; (f) Trade name (brand name) and EPA registration number of pesticides used; (g) Total amount of each pesticide product used; (h) If diluted, total volume of use dilution applied; (i) Type of equipment used; Time of day of application, including the time of starting the actual application and the time of completion of application or, if uncompleted, the time when operations ceased for the day; and (j) Wind direction, velocity and air temperature.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(A)(3)	(3) Applying pesticides or monitoring devices to structures for the control or monitoring of termites, shall create before the application, a detailed drawing of the footprint of the structure to be treated.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(A)(3)	This drawing must include linear dimensions of the structure and, for liquid termiticide applications, the depth to footer on all exterior walls.	ORC 921.16, ORC 921.15	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(A)(4)	(4) Utilizing bait or monitoring devices in and around structures for the monitoring or control of termites shall create in English on the date of installation and subsequent monitoring of those stations, a record which includes all information required in paragraphs (A)(1)(a), (A)(1)(b), (A)(1)(c), and (A)(1)(f) of this rule, as well as: (a) Total number of bait or monitoring devices installed or monitored; (b) Status of termite activity in each bait or monitoring device.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-10(A)(5)	(5) Shall submit, within ten days following the date of completion, a copy of each record required under paragraphs (A)(1), (A)(2), (A)(3) and (A)(4) of this rule to the registered pesticide business location from which the application was conducted or the commercial applicator's employer if the employer is not a pesticide business.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(A)(6)	(6) Applying pesticides under pesticide-use categories 2A, 2B, 2C, 2E, and 2F shall provide a copy of each pesticide application record to the person contracting for service, upon request or, if not requested, within thirty days after the pesticide application unless the person contracting for services has provided to the pesticide business a signed agreement allowing the pesticide business to retain that record.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(B)	(B) The employer of a commercial applicator that receives copies of records under this rule or paragraph (I) of rule 901:5-11-13 of the Administrative Code shall retain those records for a period of three years from the date of application or inspection	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(B)	The employer of a commercial applicator ... shall make those records available to the director.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(C)(1)	(C) Pesticide businesses shall (1) Retain at the appropriate registered location, or at the pesticide business if there is no registered location, records submitted to them under this rule or paragraph (I) of rule 901:5-11-13 of the Administrative Code.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(C)(1)	Those records shall be maintained for a period of three years from the date of application or inspection	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(C)(1)	shall be made available to the director	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(C)(2)	Pesticide businesses shall (2) Retain for three years following the employee's termination, written verification documenting that the employee has read the Ohio department of agriculture trained servicepersons manual or received equivalent training prior to the employee's first exposure to pesticides, as required by paragraph (A)(1) of rule 901:5-11-02 of the Administrative Code.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(C)(2)	This verification shall be made available to the director.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-10(D)	(D) Pesticide dealers shall: (1) Keep a record of all sales of restricted-use pesticides made to pesticide applicators.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(1)	This record shall be maintained at the registered pesticide business location where the sale was made using a format which includes the following items: (a) The name of the pesticide applicator; (b) The license number and pesticide-use categories listed on the pesticide applicator's license; (c) The brand name and quantity of pesticide purchased; (d) The EPA registration number and invoice number from the pesticide dealer's sales paperwork; (e) The date of sale; and (f) The name of the person receiving the pesticide if different from the pesticide applicator.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(1)	The pesticide dealer's copy of the records of sales shall be kept in a file and made available to the director during reasonable hours.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(1)	The dealer shall retain such records for no less than three years.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	Pesticide dealers shall (2) Compile an annual report of restricted-use pesticide sales records made for the period from the first day of July to the last day of June of the following calendar year.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	The report shall contain all of the information required under paragraph (D)(1) of this rule.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	If there are no sales of restricted-use pesticides for the period, the report shall so state.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	This report shall be made on a form designed by the director or on a computer-generated equivalent.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	The report shall be made available to the director during reasonable business hours.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(2)	The dealer shall retain the report for no less than three years.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(D)(3)	(3) Submit on or before the last day of July of each year to the pesticide regulation section of the Ohio department of agriculture a copy of the report for the most recently completed reporting period compiled pursuant to paragraph (D)(2) of this rule.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-10(D)(3)	The copy submitted under this paragraph shall be identical to the report compiled and retained pursuant to paragraph (D)(2) of this rule.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(1)	(E) Private applicators: (1) Shall record the following information for each application on the date of application: (a) The responsible private applicator's name and license number; (b) The brand or product name and EPA registration number of the restricted use pesticide applied; (c) The total amount of the restricted use pesticide applied; (d) Location and/or field number for area treated and total area or acreage treated; (e) Crop treated; and (f) Month, day and year of application;	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(2)	Private applicators (2) Shall submit on the date of application a copy of records required under paragraph (E)(1) of this rule to the private applicator's employer, if applicable.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(3)	Private applicators (3) Or their employers, if applicable, shall retain records generated pursuant to paragraph (E)(1) of this rule for a period of three years from the date of application	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(3)	Private applicators or their employers shall make those records available to the director.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(3)	In the case of a crop site being leased or rented by a private applicator, the private applicator shall make the pesticide application record available within thirty days of the request by the owner of the land or an agent thereof.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-10(E)(4)	Private applicators (4) Shall record the information required in paragraph (E)(1) of this rule for both restricted and general use pesticides applied under the exemption in division (D) of section 921.26 of the Revised Code.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(A)(1)	(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; or (c) Loaded into aerial application equipment within one hundred yards of an airline passenger terminal.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(2)(a)	(a) Pesticides shall not be shelved above or against feed components, animal foods, foodstuffs, medications, or children's toys.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(2)(b)	(b) Shelving or display areas used for pesticide display shall be thoroughly cleaned before they are re-used for display of other products.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(2)(c)	(c) Pesticides having a skull and crossbones symbol on the label shall not be displayed in such manner as to be accessible to children.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(a)	(a) Bulk pesticide storage and handling facilities shall be sited in accordance with appropriate local, state and federal regulations.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(b)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(c)	(c) Non-mobile liquid bulk pesticide storage container installations shall be constructed such that a secondary means of containment is provided and meets the following requirements unless otherwise waived or modified by the director:	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(c)(i)	(i) Secondary containment shall be constructed of sufficient thickness, density and composition so as to contain any spillage or discharged material;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(c)(ii)	(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;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(A)(3)(c)(iii)	(iii) Secondary containment areas shall not contain a drain unless it is plugged to prevent the release of any spillage from the containment area;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(c)(iv)	(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(1989), the Ohio environmental protection agency shall be contacted in accordance with section 3750.06 of the Revised Code and the rules adopted thereunder; and	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(c)(v)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(d)	(d) Upon delivery of the bulk pesticide, the registered product label shall be prominently displayed on the bulk pesticide storage container.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(e)	(e) Bulk pesticide storage containers shall be locked	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(3)(e)	access to bulk storage containers by unauthorized personnel shall be prevented when the facility is unattended.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(4)(a)	(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;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(4)(b)	(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;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(4)(c)	(c) Containers must be protected from wind and precipitation;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(4)(d)	(d) Containers must be placed on pallets or raised platforms;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(4)(e)	(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; and	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(A)(4)(f)	(f) The registered pesticide label shall be prominently displayed on the bulk pesticide storage container.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)	(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 in compliance with the following requirements:	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(a)(i)	(i) Cracks and gaps in the containment facilities shall be sealed with materials that are compatible with the materials being stored there and,	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(a)(i)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(b)	(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;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(c)	(c) Ensure that all hoses used for loading and unloading bulk pesticides shall be equipped with shut-off valves at each end;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(d)	(d) Ensure that all pipes and hoses shall be adequately supported to prevent sagging	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(d)	shall be protected against risk of damage by vehicles engaged in loading and unloading;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(A)(5)(e)	(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;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(B)(1)	(1) Bulk pesticide containers shall meet all applicable standards as specified by the label instructions and Ohio and United States departments of transportation requirements.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(B)(2)	(2) Bulk pesticide containers shall be thoroughly secured so as to prevent spillage of pesticide and damage to containers during transportation.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(B)(3)	(3) Bulk pesticide containers shall bear the registered product label for the material contained therein.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(B)(4)	(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(1989), the Ohio environmental protection agency shall be contacted in accordance with section 3750.06 of the Revised Code and the rules adopted thereunder.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(1)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(1)	Physical and chemical properties shall be considered in the handling and loading of bulk pesticides.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(2)	(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	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(2)(a)	(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,	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(2)(a)(i)	(i) Cracks and gaps shall be sealed with materials that are compatible with the materials being handled there	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(2)(a)(ii)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(2)(b)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(C)(2)(c)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(3)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(4)	(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,	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(C)(4)	n the absence of specific label instructions, shall be disposed in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(D)(1)	(1) Empty pesticide containers and containers which have held pesticide-treated seed: (a) Shall be disposed in a manner consistent with the pesticide label	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(D)(1)(b)	(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	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(D)(1)(c)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(D)(1)(c)	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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(D)(2)	(2) Unused pesticides and unwanted pesticide-treated seeds shall be disposed in a manner consistent with their labeling	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-11(D)(2)	in the absence of specific label instructions, shall be disposed in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(E)(3)	(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.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(E)(4)	(4) Separate pumps and meters shall be used for each pesticide when distributed for sale.	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(E)(5)	(5) All bulk pesticides used for custom mixing, tank mixing or repackaging in Ohio must be registered and labeled in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and Chapter 921. of the Revised Code and the rules adopted thereunder.	ORC 921.15, ORC 921.16	Yes, both state and federal law	Yes, both state and federal law
OAC 901:5-11-11(F)(1)	(1) Shall be prepared to the order of the user within the recommended range of the pesticide's labeling;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(F)(2)	(2) Shall not be held in inventory;	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(F)(3)	(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 and	ORC 921.15, ORC 921.16	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-11(F)(4)	(4) Shall be prepared in an establishment that: (a) Is registered with the United States environmental protection agency in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act; and (b) Adheres to the "Good Manufacturing Practices for Medicated Feeds" as promulgated by the United States food and drug administration, 225 to226, revised April 1, 2003.	ORC 921.15, ORC 921.16	Yes, both state and federal law	Yes, both state and federal law

OAC 901:5-11-12(A)	A) Each pesticide distributed for use or sale in this state shall be registered with the director of agriculture, including those pesticides which are exempted from EPA registration under section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 - 136y (2012).	ORC 921.16, ORC 921.02	Yes, state law	Yes, state law
OAC 901:5-11-12(B)	(B) The registration period for pesticides shall commence on the first day of July of each year and expire on the last day of June of the following year. Registration fees are non-refundable.	ORC 921.16, ORC 921.02	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-12(C)	(C) An applicant shall be issued a pesticide registration if the applicant has satisfied the registration requirements set out in Chapter 921. of the Revised Code and the rules adopted thereunder, and the following have been received by the director: (1) A completed formal application; (2) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in the federal act; and (3) The fee as set forth in division (F) of section 921.02 of the Revised Code.	ORC 921.16, ORC 921.02	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-12(D)	(D) A pesticide registration shall be suspended or revoked, or shall not be issued when the director finds that: (1) Its composition is such that it does not warrant the proposed claims for it; (2) Its labeling, or any other material required to be submitted with its label, does not comply with the requirements of FIFRA and of Chapter 921. of the Revised Code and the rules promulgated thereunder; or (3) It will not perform its intended function without unreasonable adverse effects on the environment.	ORC 921.16, ORC 921.03	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(A)	Commercial applicators conducting wood-destroying insect diagnostic inspections for real estate transactions (hereinafter inspections) shall: (A) Conduct all inspections in accordance with the practices set forth in the Ohio wood-destroying insect diagnostic inspection training program.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-13(B)	Commerci applicators conducting WDI inspections shall Make a complete record of the findings of each inspection on form NPMA-33 which can be located at the Ohio department of agriculture, plant health division website	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(B)	a complete record means that the information recorded in NPMA-33 (hereinafter the form) shall be recorded pursuant to this rule.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(B)	In the event of conflicting instructions for completing the form, the provisions of this rule shall apply for all inspections made within this state.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(C)	Commercial applicators conducting WDI inspections shall (C) Completely and accurately record the following information in section one of the form: (1) The name, address and telephone number of the pesticide business conducting the inspection; (2) The license number of the pesticide business or registered location conducting the inspection; (3) The date of the inspection; (4) The physical address of the property inspected; (5) The name, license number and original signature of the commercial applicator conducting the inspection; and (6) The specific structures inspected.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(D)	(DCommercial applicators shall record the following in section two of the form for inspection findings on or within the specific structures inspected by: (1) Checking box A if there is no visible evidence of wood-destroying insect (hereinafter insect) activity; (2) Checking box B if there is visible evidence of insects observed; and	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(D)(2)(a)	(a) Shall, if live insects are observed: (i) Check box B(1); and (ii) List the types of insects observed; and (iii) State the specific location (including by way of example but not limited to sill plates, foundations, etc.) where the insects are observed;	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

OAC 901:5-11-13(D)(2)(b)	(b) Shall, if dead insects, insect parts, frass, shelter tubes, exit holes, staining or other physical evidence are observed: (i) Check box B(2); and (ii) Describe the type of insects and insect parts observed, and describe all other physical indicators observed, including but not limited to frass, shelter tubes, exit holes and staining; and (iii) State the specific location (including by way of example but not limited to sill plates, foundations, etc.) where the dead insects, insect parts, frass, shelter tubes, exit holes, staining or other physical indicators are observed.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(D)(2)(c)	(c) Shall, if visible insect damage to the structure was observed: (i) Check box 3; and (ii) Describe the type of damage observed; and (iii) State the specific locations (including by way of example but not limited to sill plates, foundations, etc.) where damage is observed.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(D)(2)(c)	If the comments to be noted in this section of the form exceed the space provided, the commercial applicator conducting the inspection shall attach supplemental pages to the form, and state in section five of the form that additional pages are attached to the form.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(E)	Commercial applicator shall (E) In section three of the form, shall check one box in accordance with the following:	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(E)(1)	(1) Shall check the box indicating "no treatment recommended" if box A in section two of the form is checked; or	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(F)	(F) Designate by checkmark in section four of the form any obstructed or inaccessible area of the specific structure inspected. Access coverings which are readily removed using commonly available tools such as screwdrivers, pliers and wrenches do not render an area obstructed or inaccessible.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority

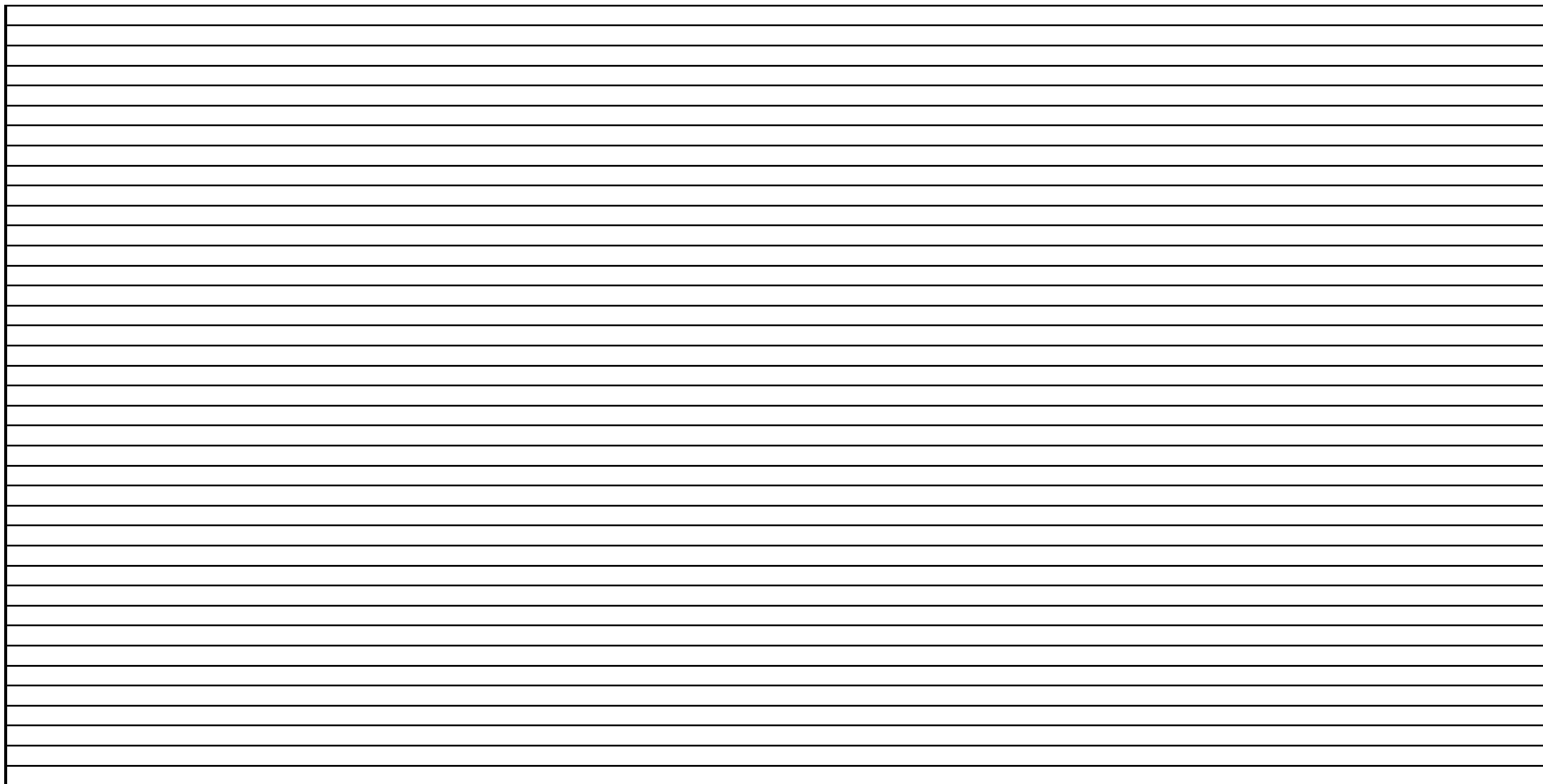
OAC 901:5-11-13(G)	(G) Include in section five of the form: (1) A statement as to whether or not there is evidence of previous treatment; and (2) A description of the previous treatment, if any; and (3) The specific location (including by way of example but not limited to sill plates, foundation, etc.) where the evidence of previous treatment is observed or documented; and (4) Any comments which are not provided for in the other sections of the form, including but not limited to infestation or damage observed in areas other than the specific structure inspected; and (5) Any comments amplifying information provided in other sections of the form; and (6) If attachments were used to detail inspection findings described in other sections of the form, a list and description of these attachments.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(H)	(H) Complete and sign the form within five business days following completion of the inspection. The commercial applicator's signature on the form is the commercial applicator's certification that the inspection was conducted and reported in accordance with the requirements of Chapter 901:5-11 of the Administrative Code.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-13(I)	(I) Submit, within ten days following completion of the inspection, a copy of the completed and signed form to the pesticide business or registered location from which the inspection was conducted.	ORC 921.16, ORC 921.14	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(A)	(A) This rule shall apply to persons involved in developing and implementing integrated pest management (IPM) activities for non-agricultural uses in this state.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(A)	In order to be considered an IPM activity under this rule, the activity shall include the elements set out in paragraph (B) of this rule.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(B)(1)	(B) Persons developing and implementing IPM activities shall do all of the following: (1) Conduct a comprehensive site assessment of the property for which the IPM activity is being developed.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority

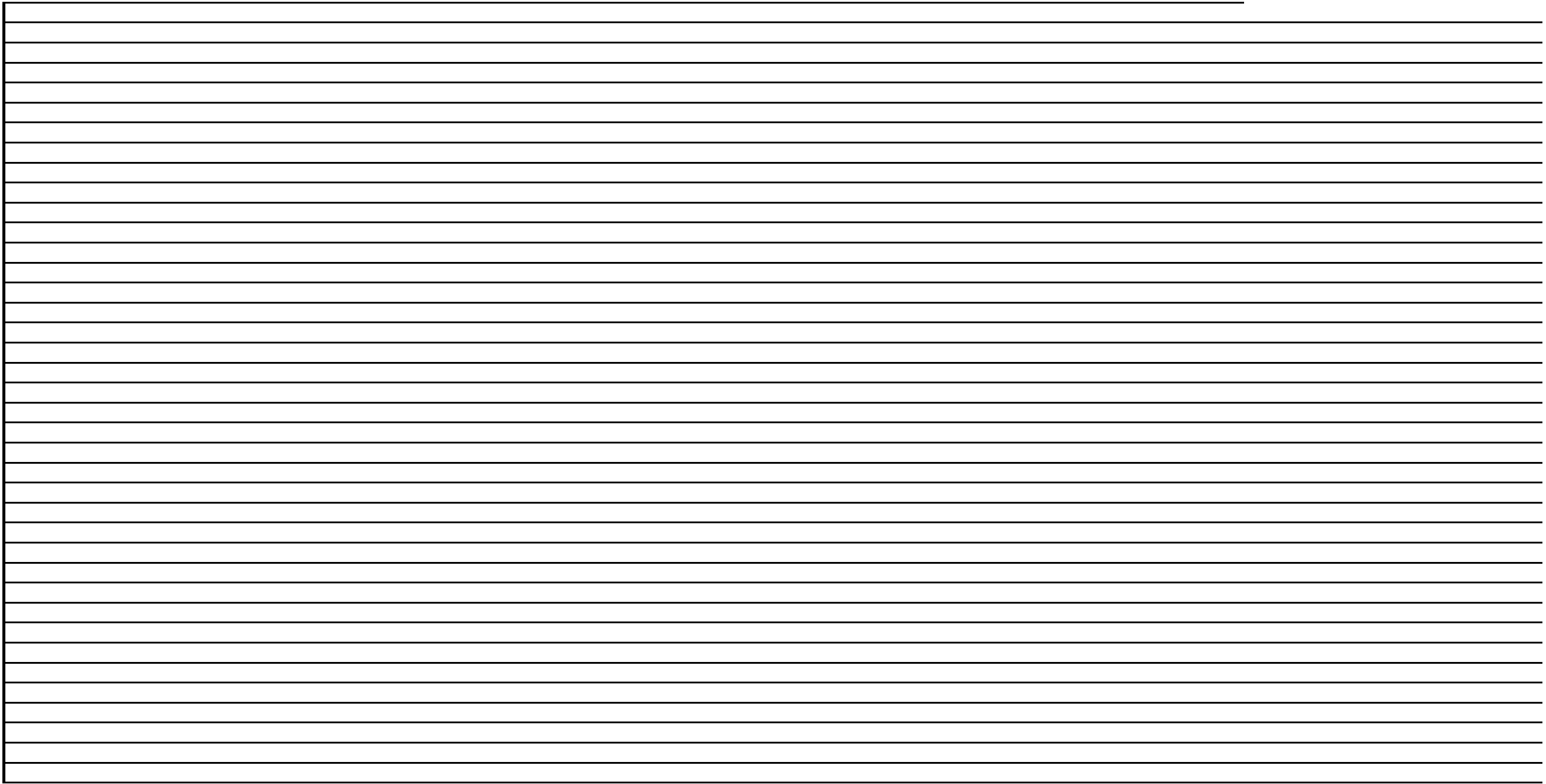
OAC 901:5-11-14(B)(1)	This assessment shall identify the: (a) Structural, mechanical, storage or sanitation conditions that are producing or could produce pest problems, including pest entry points and areas prone to pest harborage; (b) Type and extent of pest activity; which may be determined by using monitoring devices when practical; and (c) Potential impacts presented by the pests to humans, domestic animals and environment.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(B)(2)	(2) Determine with the entity contracting for service: (a) Structural, mechanical, storage, or sanitation-related measures that will aid in long-term prevention, elimination or control of pests; (b) Priorities for pest control and elimination; (c) Whether chemical control is necessary to prevent, eliminate, or control pests; and (d) The most effective measures, application products, and methods that will result in control of pests while minimizing exposure to humans, domestic animals and the environment.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(B)(3)	(3) Establish with the entity contracting for service a strategy, schedule, and specific recommendations for ongoing site monitoring and assessment to resolve short term and long-term control or elimination of pest problems consistent with this paragraph.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(B)(4)	(4) Evaluate the results of implementing the IPM activity in accordance with a time frame agreed to with the entity contracting for service.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-14(B)(4)	The evaluation shall include a re-assessment of the site and consider whether: (a) Correction of structural, mechanical, storage, or sanitation problems was completed and effective; (b) Methods used to prevent, control, and eliminate pests at the site were effective; (c) Risks of exposure to humans, domestic animals, and the environment were sufficiently minimized; and (d) Other measures, products, or methods should be chosen for future pest management and control.	ORC 921.18	No, general rulemaking authority	No, general rulemaking authority

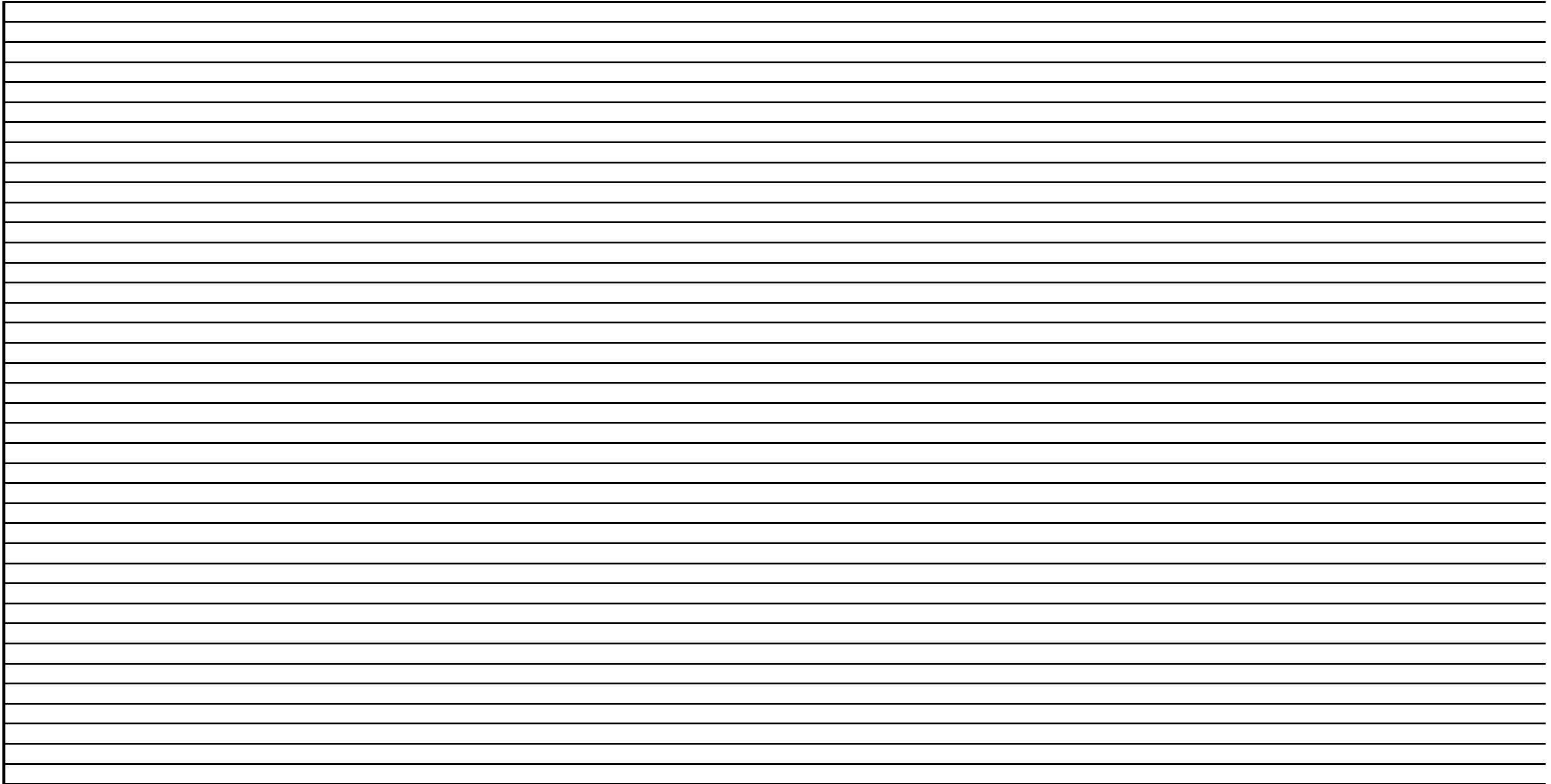
OAC 901:5-11-15(A)	(A) This rule shall apply to the following: (1) School classroom buildings established under Chapter 3311. of the Revised Code; (2) Education service centers and community schools established under Chapter 3314. of the Revised Code; (3) STEM schools established under Chapter 3326. of the Revised Code; and (4) Non-public schools chartered by the board of education pursuant to section 3301.16 of the Revised Code.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(B)	(B) Pesticides shall be applied on or in the classroom buildings of schools only if: (1) The pesticide is applied: (a) At a time after the school day has concluded; (b) When school is not in session; or (c) Either a period of four hours or the minimum time specified by the pesticide product's label applied prior to the beginning of the school day, whichever is longer.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(B)(2)(a)	(2) The pesticide is applied when school is in session provided that: (a) Persons other than pesticide applicators and necessary school staff are not scheduled to be in the treatment area during treatment and for either the longer of four hours or the minimum time specified by the label of the pesticide applied, if any is specified, as measured from the time that the pesticide application is completed; and	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(B)(2)(b)(i)	(b) The entrances to the area in which the pesticide is applied are posted with signs meeting the following requirements: (i) The sign shall measure at least eight and one half inches by eleven inches;	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(B)(2)(b)(ii)	(ii) The sign is printed with letters at least one inch in height with the following wording: "Pesticide Treatment Area. Do Not Enter Before (the date and time where re-entry will be permitted into the treatment area)." The time shall be the later of four hours or the minimum time specified on the label, as measured from the time that the pesticide application is completed.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority

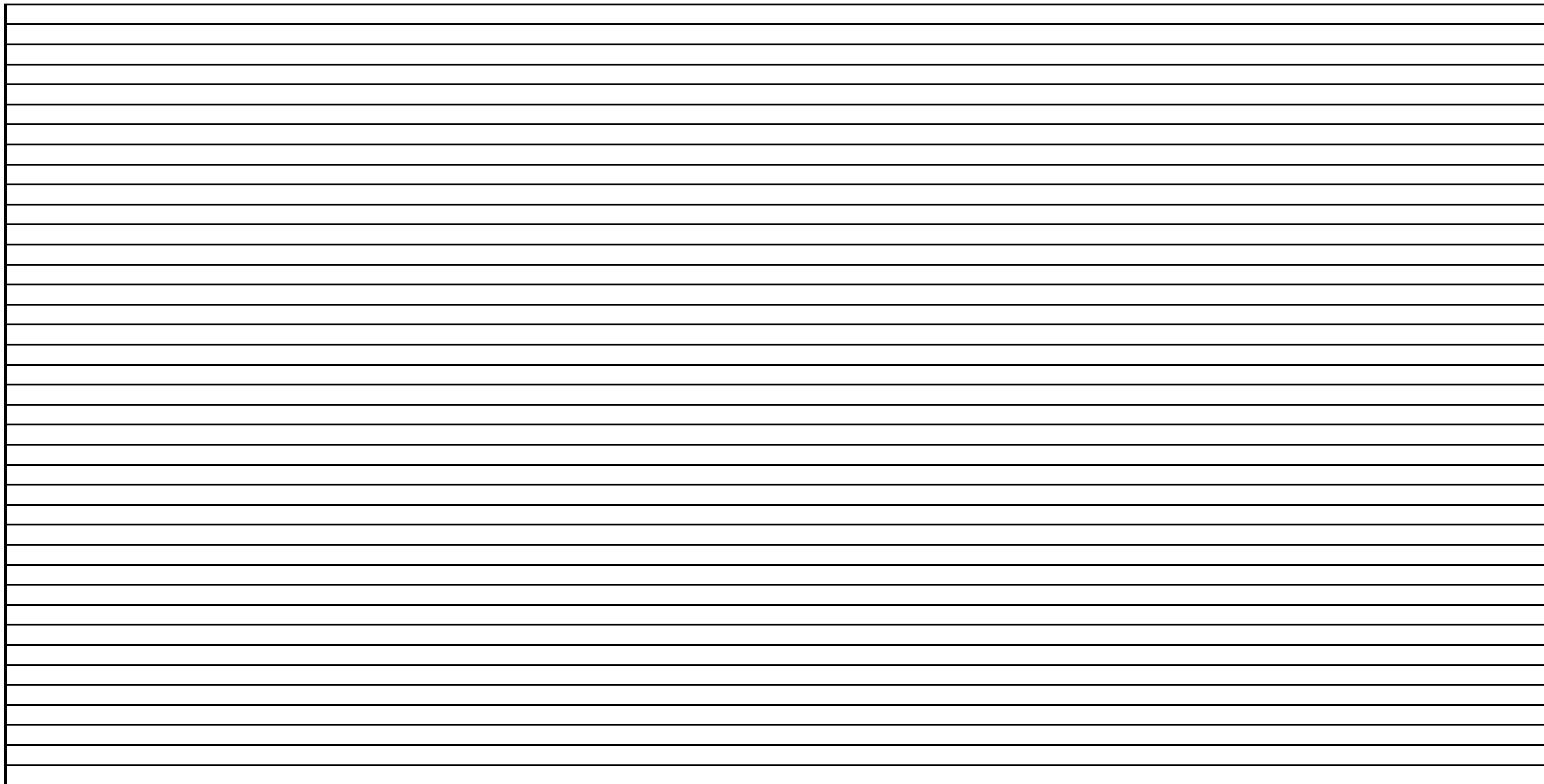
OAC 901:5-11-15(B)(3)	(3) The pesticide applied is one of the following, and is applied in strict accordance with label instructions: (a) Manufactured paste or gel baits; (b) Paraffin-based rodent control products placed in industry-identified tamper-resistant bait stations; (c) Termite-baiting stations; (d) Rodenticides which are placed in wall voids or other areas that are inaccessible to humans and domestic animals; (e) Disinfectants, sanitizers, germicides, and anti-microbial agents; or (f) Dusts used in unoccupied areas of the structure.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(B)(4)	(4) If one of the conditions in paragraph (B) of this rule has been met, except for those items listed in paragraph (B)(3)(e) of this rule, the following information shall be provided to the school's contact person identified under paragraph (C)(2) of this rule as soon as practicable following the application: (a) Date and time that the pesticide was applied; (b) Treatment area; (c) Target pests; (d) Brand name and EPA registration number of the pesticide applied; and (e) If applied under paragraph (B)(2) of this rule, time or conditions for re-entering the treatment area as specified by the label of the pesticide applied, if any is specified.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(C)	(C) Any school subject to this rule shall: (1) Develop a policy whereby parents or guardians of minor children, adult students, faculty and staff who are enrolled or employed at the school may request and receive prior notifications of scheduled service visits by pesticide businesses in which pesticides may be applied under paragraph (B)(2) of this rule or scheduled pesticide applications under paragraph (B)(2) of this rule by licensed school employees pursuant to section 921.06 of the Revised Code.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(C)(1)(a)	The method of prior notifications shall be determined by the school and may include but shall not be limited to e-mail and listserv methods; and	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority

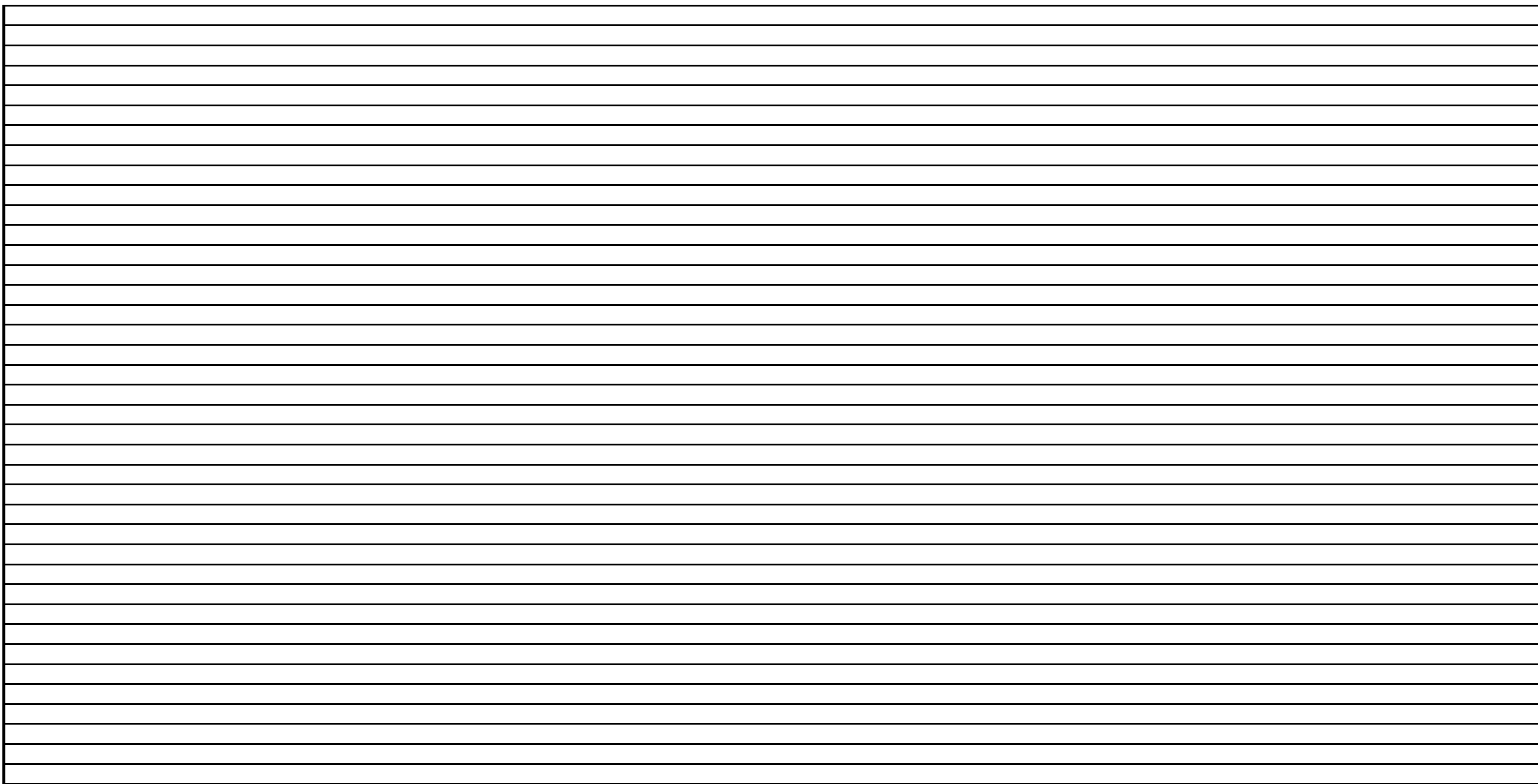
OAC 901:5-11-15(C)(1)(b)	(b) If special circumstances arise that prevent prior notification from being provided as required, such as emergency application of pesticides to control organisms that pose an immediate health threat, the school shall provide notice as soon as possible.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(C)(1)(b)	The notice shall explain the reasons why advance notice was not provided.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(C)(2)	(2) Designate a school employee to serve as a contact person for pesticide applications made at the school. The school shall maintain for inspection during normal school hours by parents or guardians of minor children, adult students, faculty and staff who are enrolled or employed at the school, or the director or their authorized representative:	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-15(C)(2)	(a) Records provided to the contact person pursuant to paragraph (B)(4) of this rule. The records shall be maintained for a period of one year following the date of the pesticide application; and (b) Documentation that requested notifications were made pursuant to the school policy established under paragraph (C)(1) of this rule.	ORC 921.16, ORC 921.18	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-99(A)	(A) A civil penalty may be assessed for each violation of sections 921.01 to 921.29 of the Revised Code, any rule adopted, and any order issued under authority of these sections. The amount of the penalty shall be based on the following criteria:	ORC 921.16, ORC 921.25	No, general rulemaking authority	No, general rulemaking authority
OAC 901:5-11-99(A)(1)	(1) The cost to the department of agriculture to investigate the violation. Calculation of the cost shall include: (a) The average salary of all state employees directly involved in pesticide use investigations with the rate being that amount charged to other agencies for grant supported activities; (b) Fringe benefits for all state employees directly involved in the investigation; (c) Indirect costs for hours shown in paragraph (A)(1)(a) of this rule with the rate being that amount charged to other agencies for grant supported activities; (d) Duplicating and copying costs; and (e) Direct and indirect costs of all laboratory analysis.	ORC 921.16, ORC 921.25	No, general rulemaking authority	No, general rulemaking authority

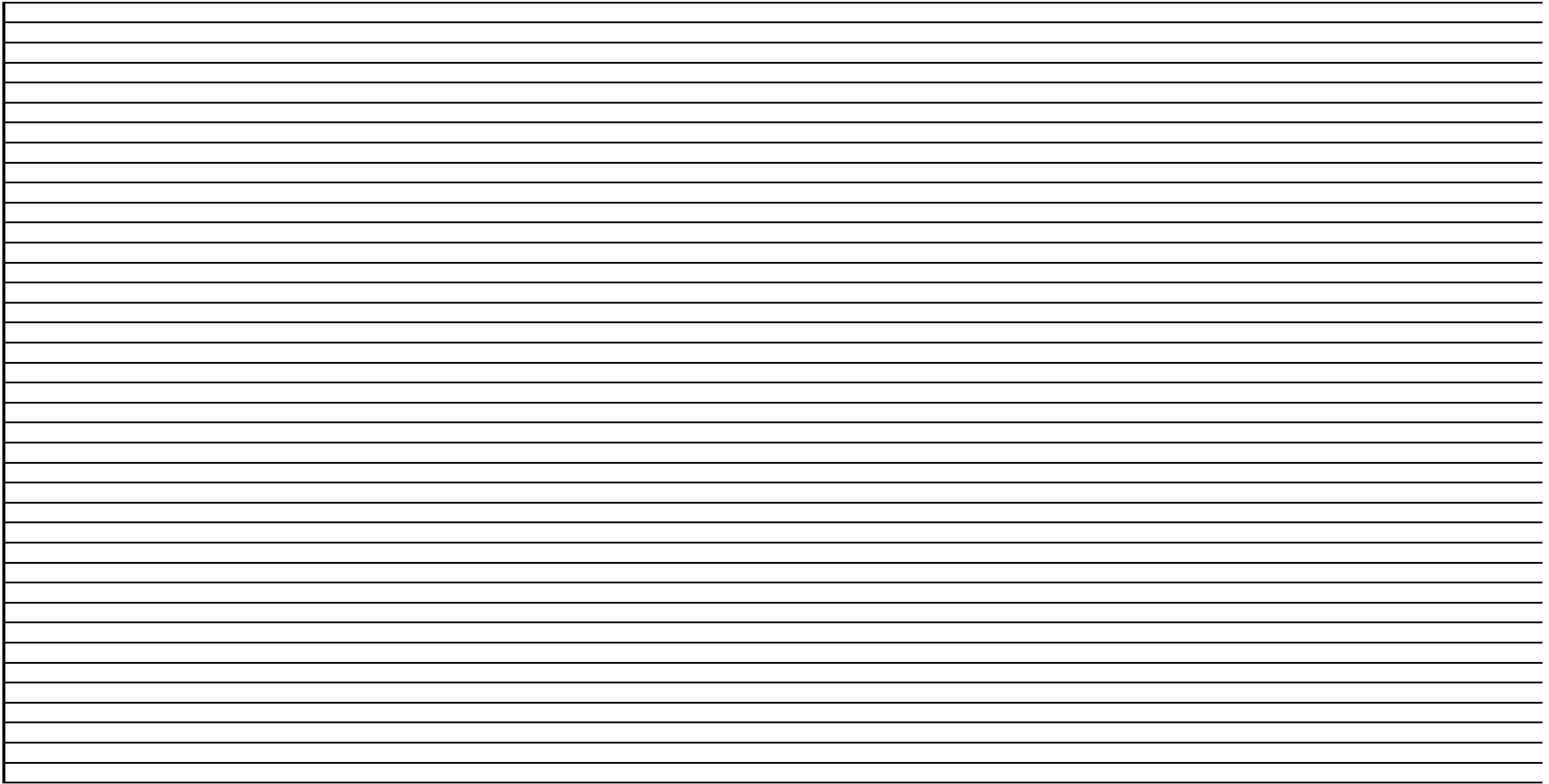


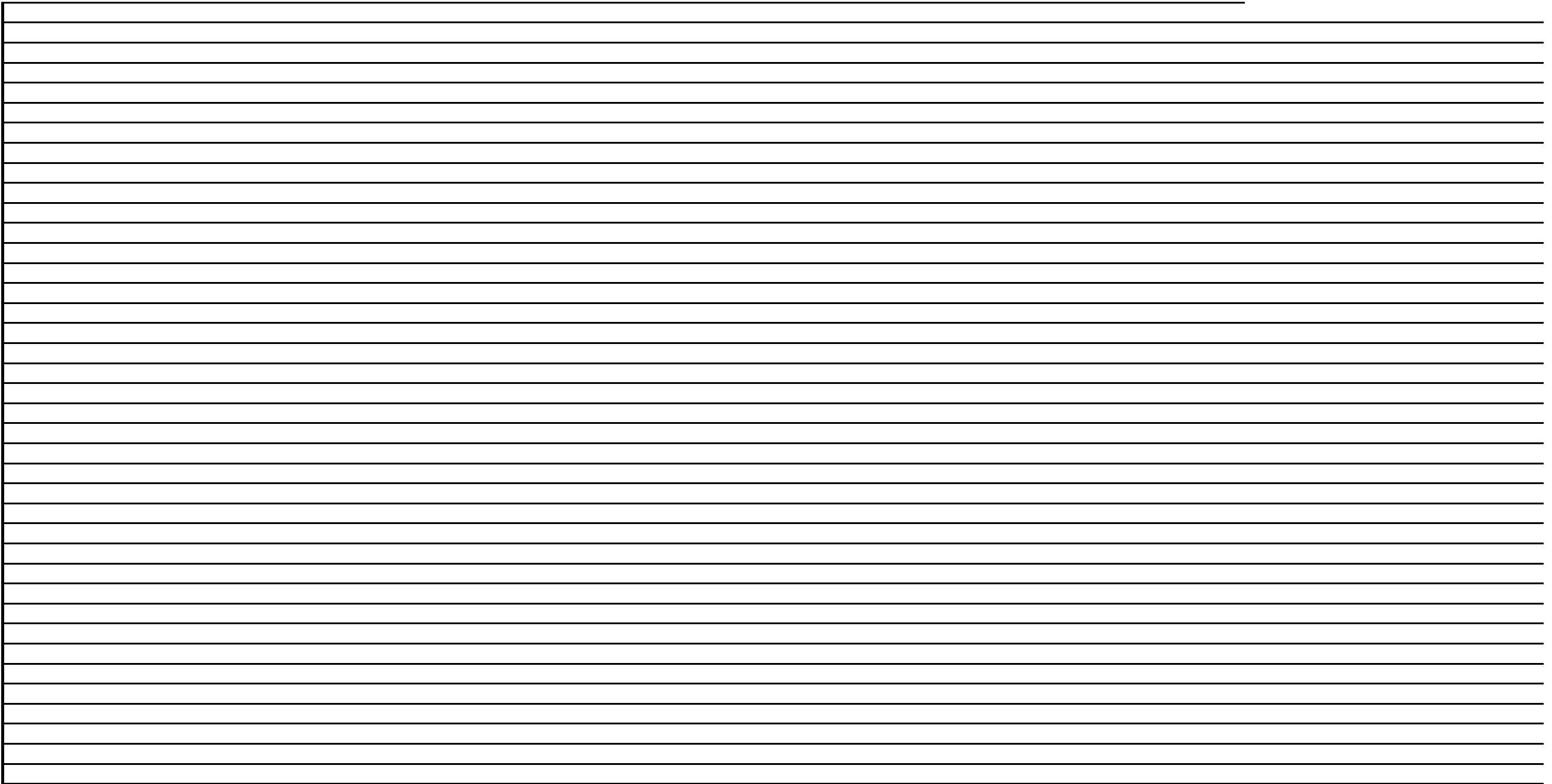


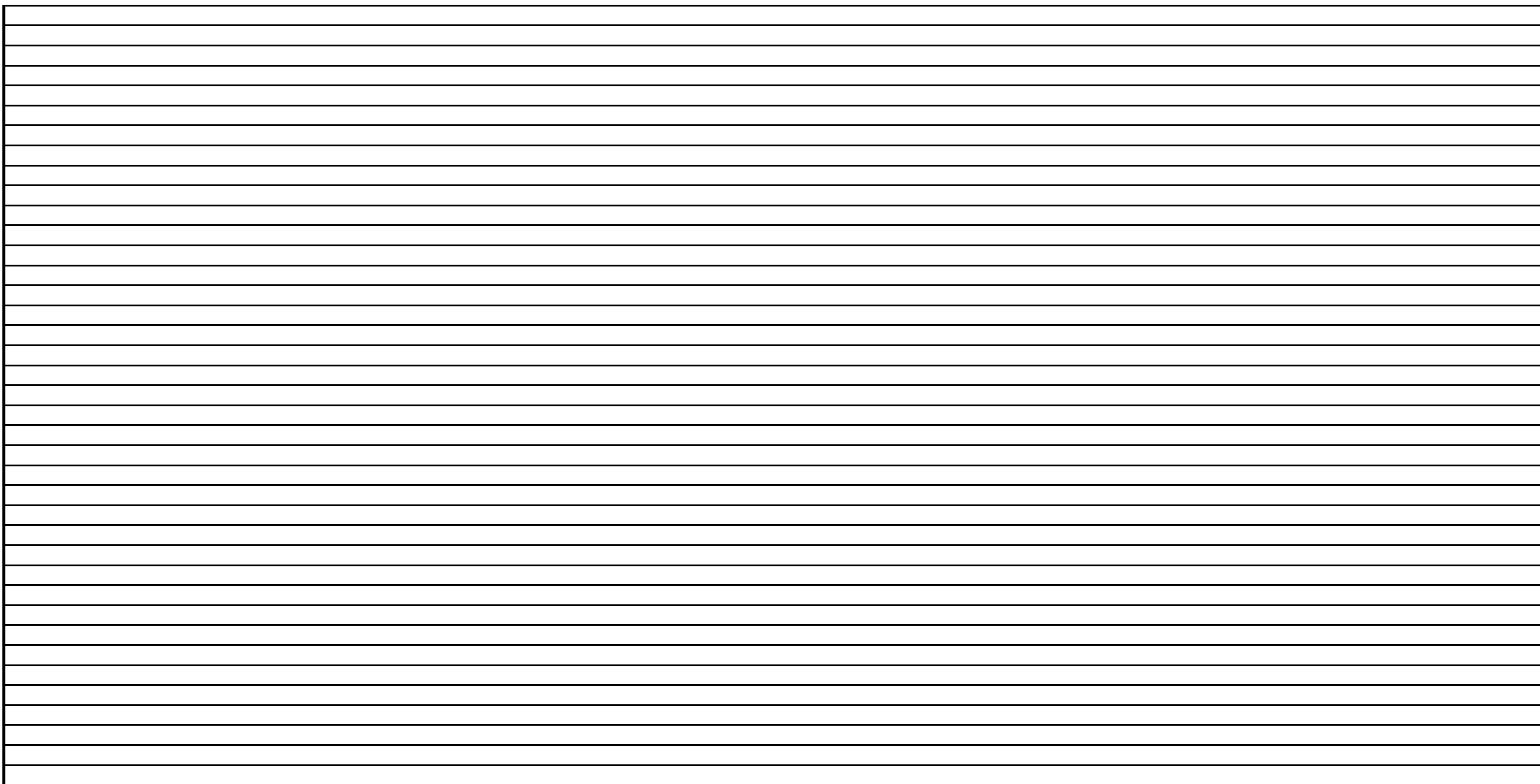


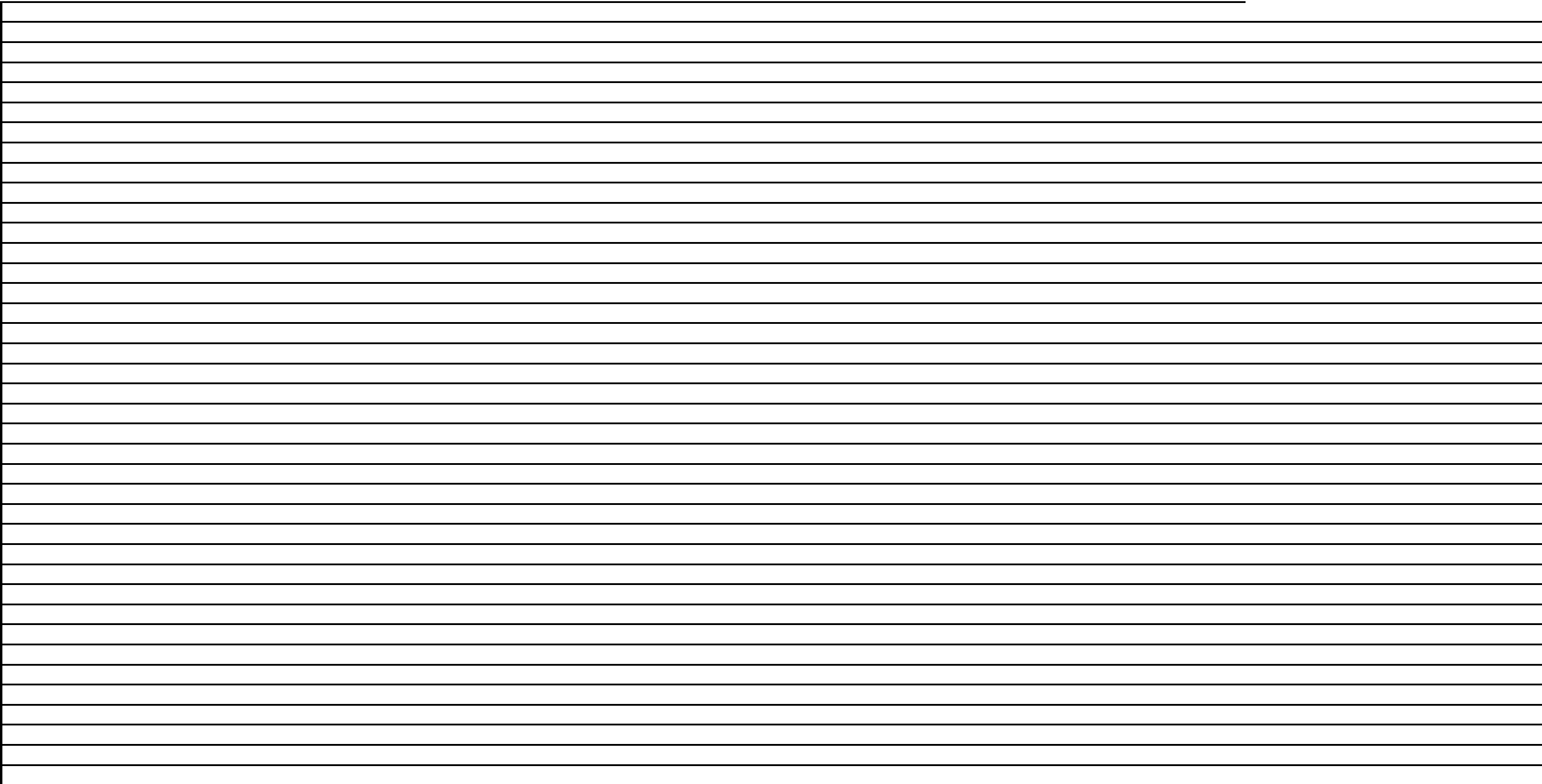


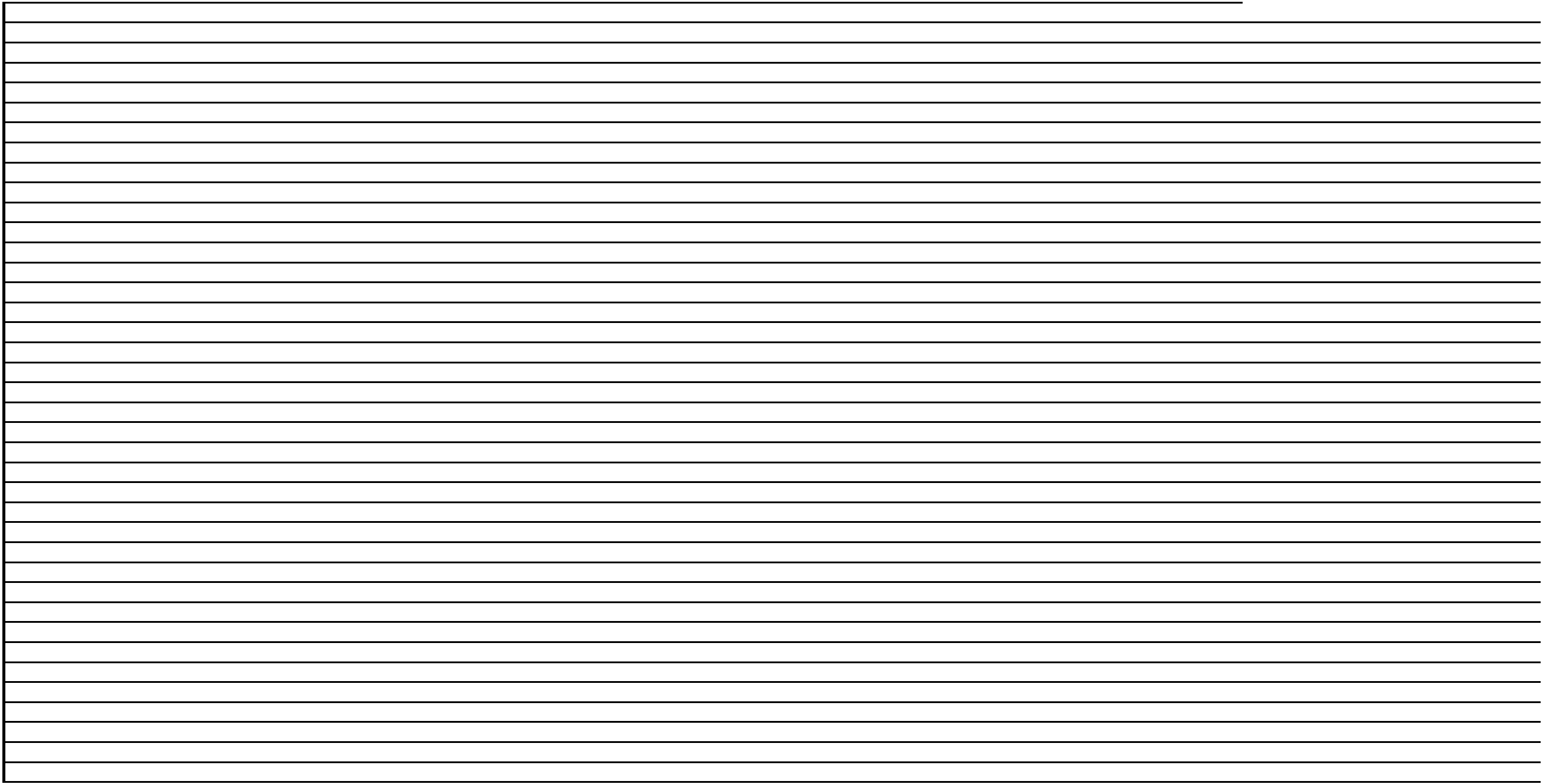


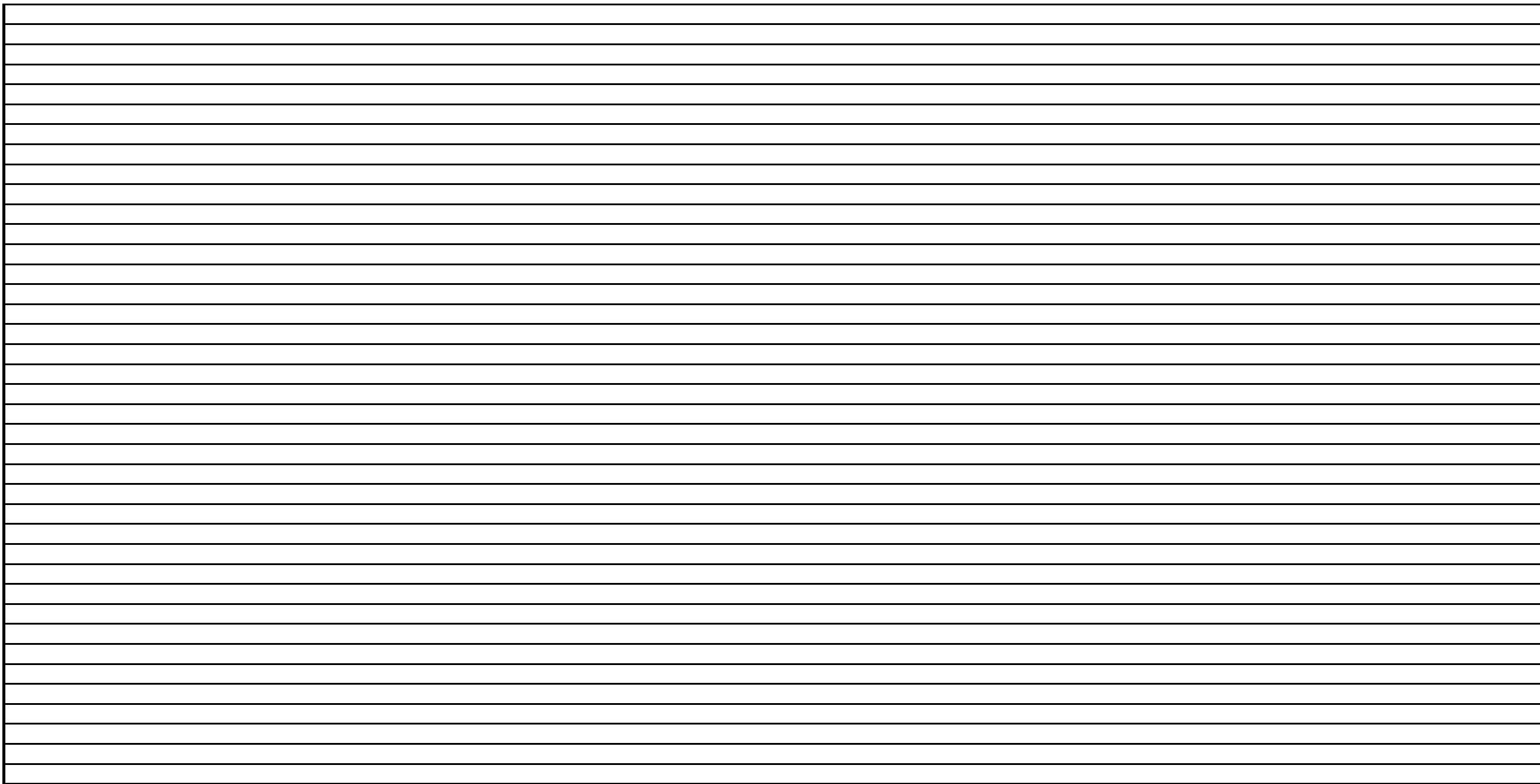


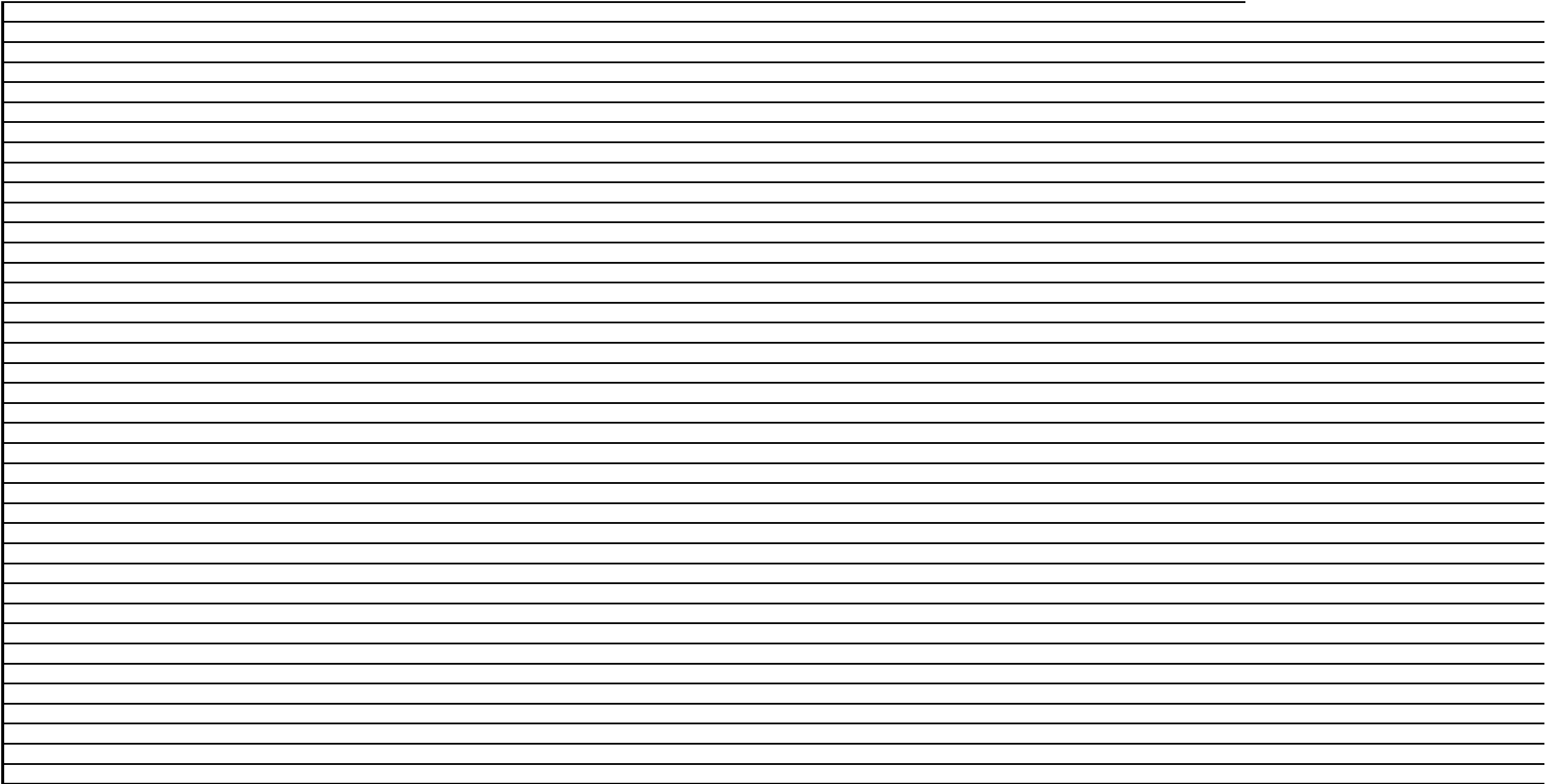


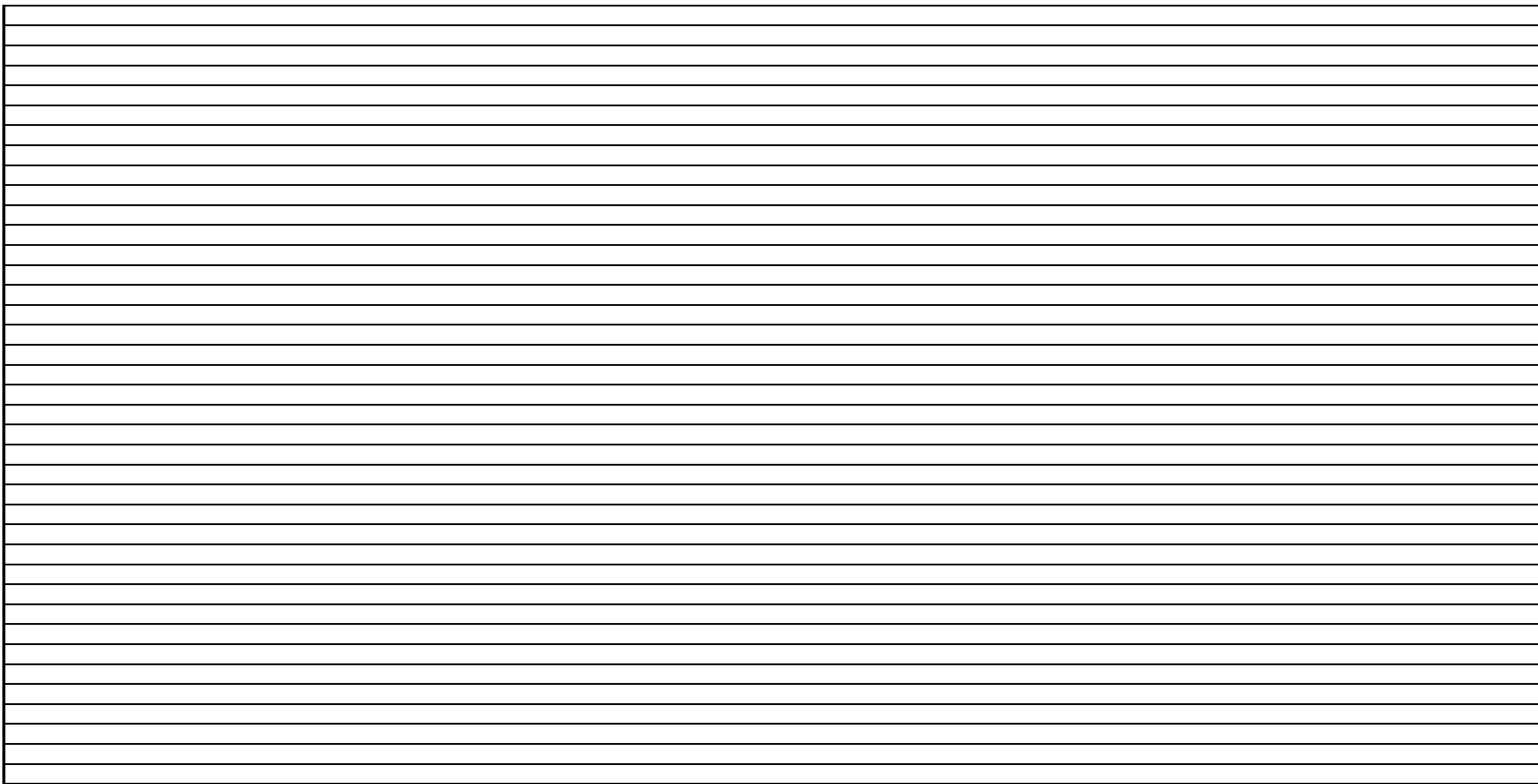


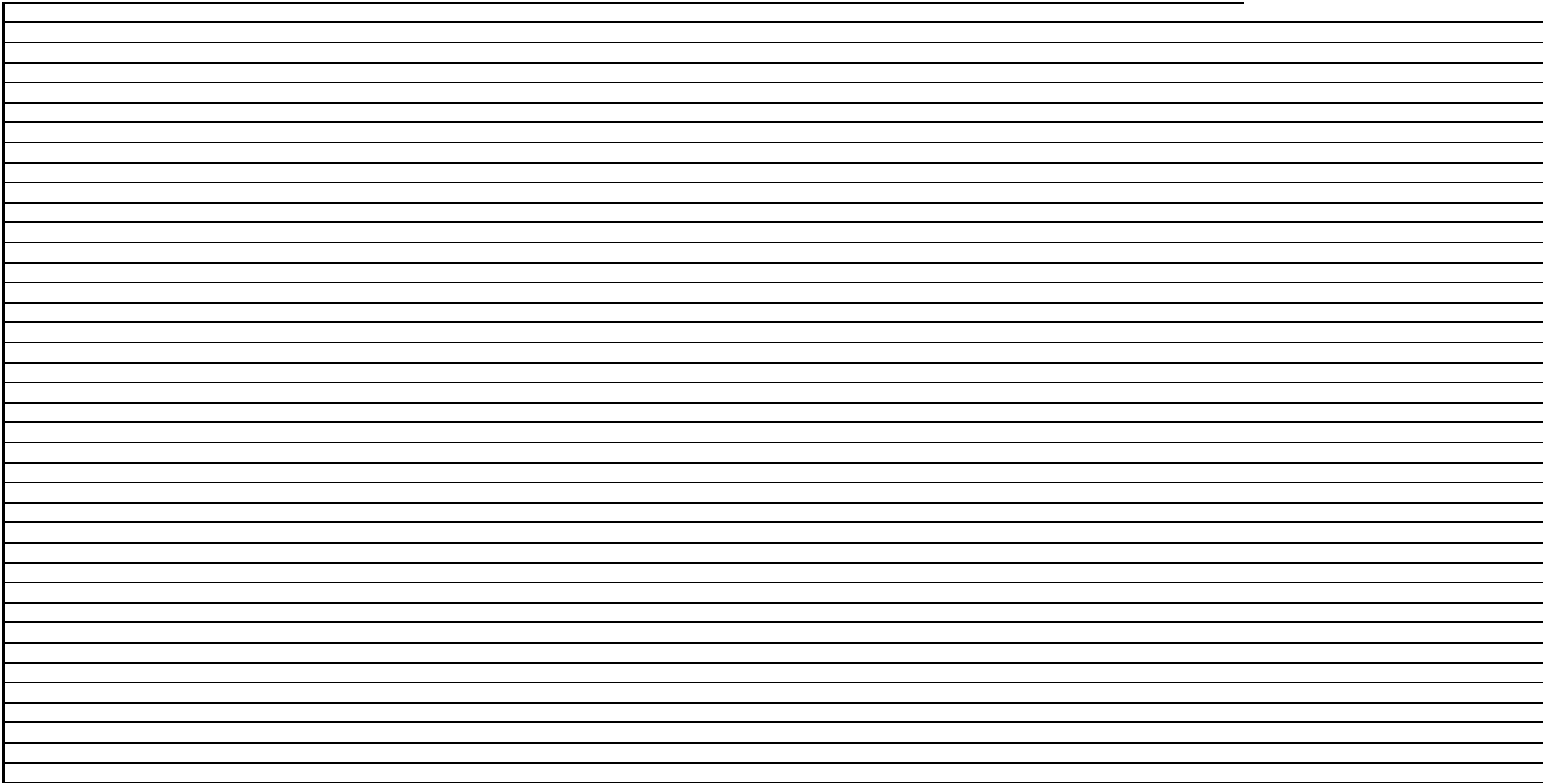


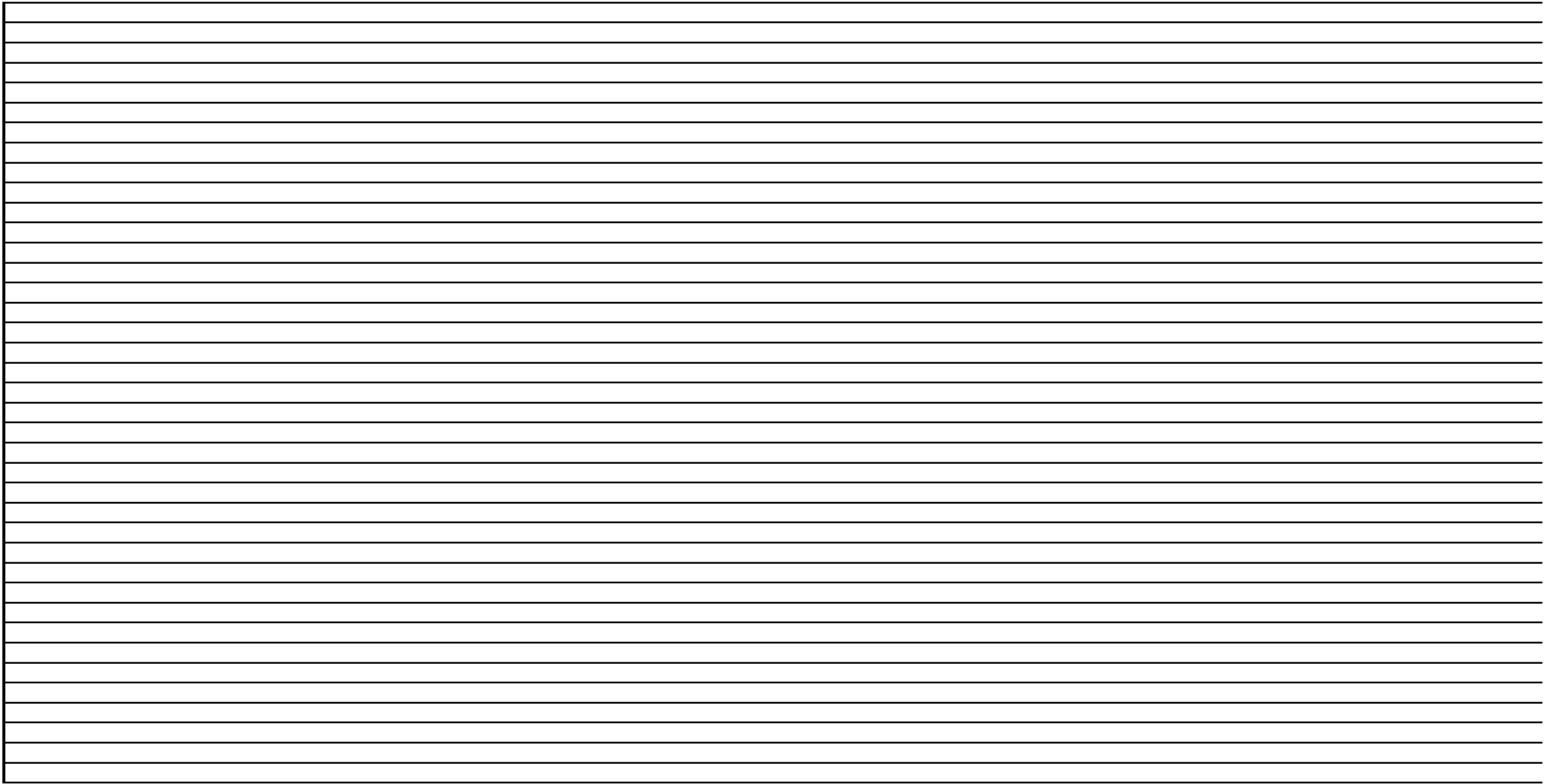


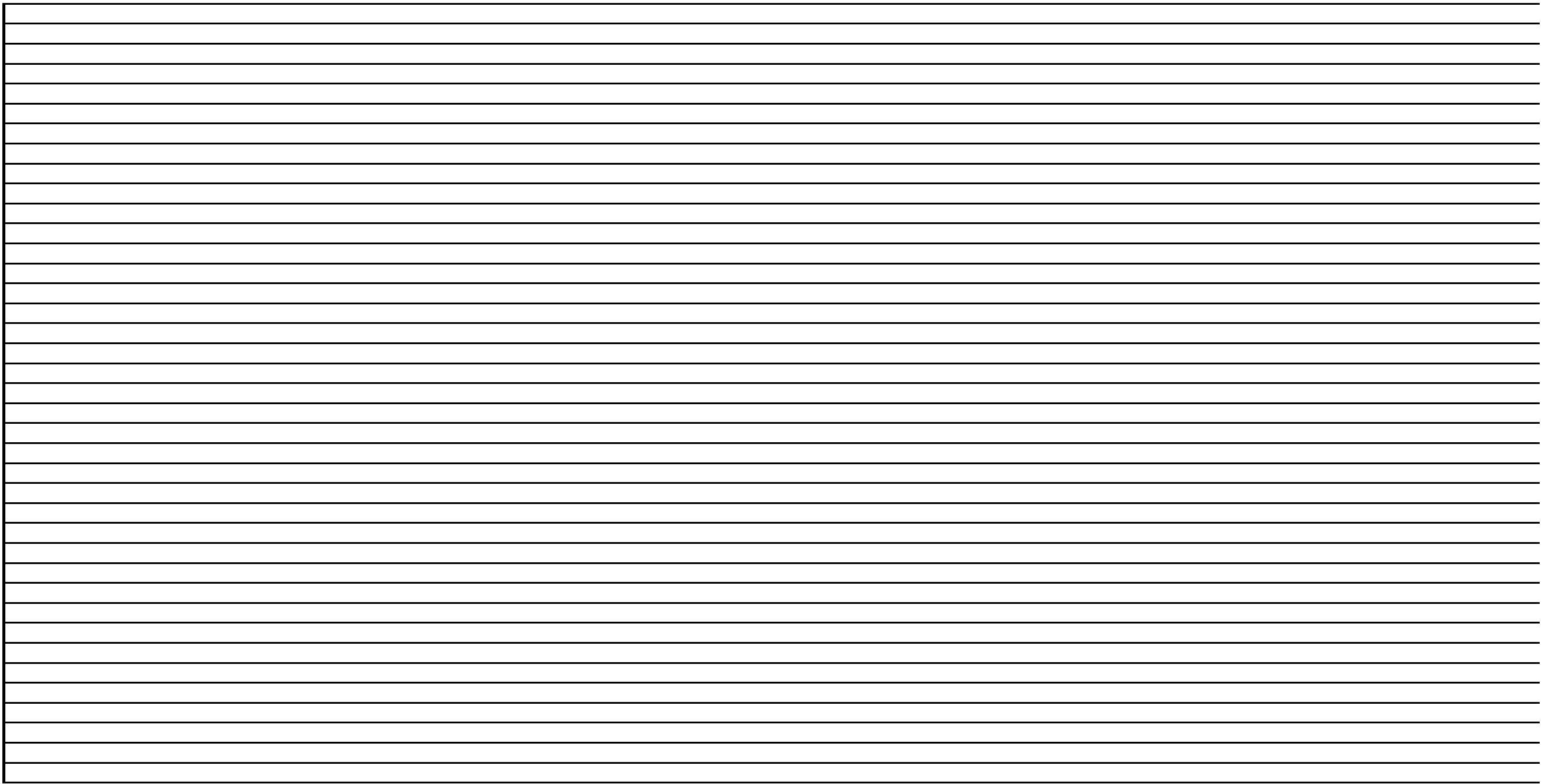












A blank sheet of lined paper with a vertical margin line on the left side and horizontal ruling lines extending across the page.

