

901:5-11-01 **Definitions.**

As used in ~~rules 901:5-11-01 to 901:5-11-08~~this chapter of the Administrative Code:

- (A) "Anti-siphon device" means a check valve or mechanism used to prevent backflow on any pest control equipment drawing water directly from any supply.
- (B) "Bulk pesticide" means any registered pesticide which is transported or held in an individual container having a capacity greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.
- (C) "Bulk repackaging" means the transfer of a registered pesticide from one bulk container having a capacity greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight to another bulk container having a capacity greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight in an unadulterated state in preparation for sale or distribution to another person.
- (D) "Commercial lawn" means any cultivated turf, public or private, other than residential lawns, cultivated for aesthetic purposes.
- (E) "Custom mixes or blends" means any pesticide which is combined with commercial feedstuffs or fertilizers on an individual contract basis, and which is delivered to the customer in total and not stored by the person mixing or blending the ingredients.
- (F) "Director" means the director of the Ohio department of agriculture or an authorized representative thereof.
- ~~(D) "Direct supervision" includes control over separate pesticide applications in a manner that permits:~~
- ~~(1) Supervision of non-certified applicators by certified applicators who must be within close geographic proximity to the work site, which, shall not exceed twenty-five miles; or~~
- ~~(2) Availability of such supervision within a short period of time, which shall not exceed two hours; and~~
- ~~(3) In the absence of the supervising certified applicator, the pesticide label shall be readily available to the non-certified applicator at the worksite and shall be made available for inspection by properly identified agents of the director upon request. When required by the label, the actual physical presence of a certified applicator is required when application is made by a non-certified applicator.~~
- ~~(E)(G) "Drift" means the airborne movement of pesticides resulting from a pesticide~~

~~application such as to carry pesticides beyond the target pest areasite during application.~~

(H) "FIFRA" means the "Federal Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C.A.136, as amended on August 3, 1996.

(I) "Non-mobile liquid bulk pesticide storage container" means a liquid bulk pesticide container which is not designed by its manufacturer to be readily moved when full of product.

(J) "Pesticide solicitor" means a pesticide business whose sole pesticide business activity is seeking to sell pesticide applications.

(K) "Public lawn" means any cultivated turf, public or private, cultivated for recreational use and includes by way of example but is not limited to golf course play areas, parks, and school yards.

(L) "Registered pesticide business location" or "registered location" means each location associated with a pesticide business that is used for the purpose of engaging in pesticide business activities in the state of Ohio, but does not include the location which is listed as the headquarters of the pesticide business to which the pesticide business license is issued.

(M) "Residential lawn" means cultivated turf within the close of a single- or multi-family dwelling of four units or less.

~~(F)~~(N) When used in the classification of licenses for custom applicators, custom operators, limited commercial applicators, or public operatorsThe pesticide use categories recognized by the director for the purposes of commercial applicator licensing under section 921.06 of the Revised Code are defined as follows:

(1) "Aerial pest control" means the application of pesticides by aircraft.

(2) "Agricultural pest control" means the application of pesticides to any agronomic and horticultural crops, or to soils being prepared for the production of such crops, for the control of any pests other than vertebrates.

(a) "Agronomic pest control" means the application of pesticides to agronomic crops for the control of pests other than weeds and vertebrates. This pesticide-use category does not include the application of pesticides for control of pests in ornamental nursery stock or in the production of turf, as defined in paragraphs (N)(6) and (N)(8) of this rule, respectively

- (b) "Horticultural pest control" means the application of pesticides to fruit and vegetable crops for the control of pests other than weeds and vertebrates.
 - (c) "Agricultural weed control" means the application of pesticides (~~other than soil fumigants~~) for the control of weeds in agronomic crops or horticultural crops ~~except for nursery stock, paragraph (F)(6) of this rule, and turf, paragraph (F)(8) of this rule.~~ This pesticide-use category does not include the application of pesticides for control of weeds in ornamental nursery stock or in the production of turf, as defined in paragraphs (N)(6) and (N)(8) of this rule, respectively.
 - (d) "Seed treatment" means the application of pesticides to seed for the control of insects and disease organisms.
 - (e) "Tobacco sucker control" means the application of growth regulators to tobacco plants for the control of sucker growth.
 - (f) "Soil fumigation" means the application of fumigants to soil for the control of soil-inhabiting pests.
- (3) "Aquatic pest control" means the application of pesticides to standing or running water, for the control of undesirable vegetation or animals, ~~excluding "vector control."~~ but does not include uses covered by commercial pesticide-use category 10(D), as defined in paragraph (N)(10) of this rule.
- (a) "General aquatic pest control" means the application of pesticides to standing or running water, other than swimming pools, for the control of aquatic pests.
 - ~~(b)~~ "Swimming pool pest control" means the application of pesticides to swimming pools for the control of undesirable organisms.
 - ~~(e)~~(b) "Boat antifoulant" means the application of restricted-use antifoulants to boats for the control of undesirable organisms.
 - ~~(d)~~(c) "Sewer root control" means the application of restricted-use pesticides to sewer pipes for the control of tree roots.
- (4) "Forest pest control" means the application of pesticides to forested areas or forest products for the control of ~~weed~~ pests (other than vertebrates).

- (a) "General forest pest control" means the application of pesticides to forested areas for the control of tree pests and weeds, and for the selective elimination of unwanted wood species as a forest management practice.
 - (b) "Wood preservation" means the application of pesticides to wood products such as crossties, poles, shingles, posts or other wood products that are not part of a structure when treated and are or will be exposed to insects, fungi, marine pests, or weather. This category does not include the treatment for the control of termites and other wood destroying organisms in houses or in an area as a pretreatment prior to the construction of a structure.
- (5) "Industrial vegetation control" means the application of pesticides to non-agricultural lands, such as roadways, public water courses, utility rights-of-way, or in close proximity to industrial sites, power stations, parking lots or similar areas for the control or eradication of unwanted vegetation.
- (6) "Ornamental pest control" means the application of pesticides to ornamental plants or areas for the control of any pests except vertebrates.
- (a) "General ornamental pest control" means the application of pesticides to control insects and diseases of exterior ornamental plants and trees, and; weeds of exterior ornamental areas such as landscape beds, tree and shrub plantings, sidewalks, driveways, or similar areas.
 - (b) "Interior plantscape pest control" means the application of pesticides to control insects, diseases, and weeds of indoor ornamental plants in locations such as homes, offices, shopping malls, stores, or similar sites.
 - (c) "Ornamental weed control" means the application of pesticides to exterior ornamental areas such as landscape beds, tree and shrub plantings, sidewalks, driveways, or similar areas for the control or eradication of unwanted vegetation.
 - (d) "Greenhouse pest control" means the application of pesticides to control insects, diseases, and weeds of plants grown under glass or plastic cover.
- (7) "Vertebrate animal control" means the application of pesticides other than fumigants for the control of pest birds whether within or outside structures,

and for the control of rodents, and any other vertebrates declared by the director to be a pest, in situations other than covered under commercial pesticide-use category 10, as defined in paragraph (N)(10) of this rule.

- (8) "Turf pest control" means the application of pesticides ~~other than soil fumigants~~ to lawns, turf, sod, or to soil areas being prepared for the production of turf for the control of pests except vertebrates.
- (9) "Animal pest control" means the application of pesticides ~~other than fumigants~~ to domestic ~~or confined~~ animals, ~~livestock, and poultry~~ which are held as agricultural commodities, or to structures in which they are confined, for the control of pests of such animals. (Application of pesticides by licensed veterinarians during the course of their normal practice is specifically exempted by law.)
- (10) "Domestic, institutional, structural, and health -related pest control" means the indoor or outdoor application of pesticides, ~~either indoors or out~~, to control pests of humans, ~~or of~~ their dwellings, work spaces, and other structures used or occupied by humans, and ~~of the~~ clothing, furnishings, and stored, processed, or manufactured food products contained within therein.
- (a) "General pest control" means the application of pesticides ~~other than fumigants~~ in or around human dwellings, industrial plants and business offices, food-handling establishments, schools, hospitals or other institutions, warehouses, grain elevators, or similar buildings to control pests, including rodents, of such structures; or of ~~their~~ the occupants, furnishings, or provisions of those structures, except for the control of pest birds and wood-destroying ~~organisms such as termites~~ insects or fungi.
- (b) "Termite control" means the application of pesticides ~~other than fumigants~~ in or around various structures, or to the ground prior to construction of a structure, for the control of termites and other invertebrate wood-destroying ~~organisms~~ insects.
- (c) "Fumigation" means the application of fumigants to structures, or ~~to~~ commodities or equipment which are enclosed within structures, or other specially confined areas (including areas temporarily confined expressly for the purpose of fumigation); such as bins, rooms, cargo spaces, and boxcars, for the control of any ~~invertebrate~~ pests contained within these structures or confined areas.
- (d) "Mosquito, house fly, and other vector control" means the application of

pesticides outdoors to control invertebrate pests which ~~pose~~are a threat to public health or ~~those which institute~~ a nuisance to humans, such as mosquitoes, house flies, chiggers, and ticks, but does not include uses covered by commercial pesticide-use category (7), as defined in paragraph (N)(10) of this rule.

- (11) "Specialized pest control" means the application of pesticides to the property of others under circumstances not covered by paragraphs ~~(F)(N)(1)~~ to ~~(F)(N)(10)~~ of this rule.
- (12) "Wood-destroying insect diagnostic inspection" means the examination of a structure at the request of any party involved in a contemplated real estate transaction to determine if wood destroying insects are present in the structure, if there is evidence they either are or have been present in the structure, or the presence of any visible damage to the structure caused by wood-destroying insects and the generation of a written report of the findings of the examination.

~~(G)(O) When used as categories for the certification of private applicators~~The pesticide use categories recognized by the director for the purposes of private applicator licensing under section 921.11 of the Revised Code are defined as follows:

- (1) "Grain and cereal crops" means ~~the cereal~~agronomic field crops as grown for ~~dry grain~~ including but not limited to corn, grain sorghums, other small grains ~~and~~, soybeans and sweet corn.
- (2) "Forage crops" means crops grown primarily for use as hay, forage, fodder, or ensilage, and includes but is not limited to such crops as corn and legumes.
- (3) "Field vegetables and specialty crops" means:
- (a) ~~Field-grown~~Field-grown vegetables, sugar beets, sweet corn and other horticultural crops grown primarily for human consumption.
- (b) Tobacco.
- (4) "Fruit crops" means ~~the common~~ orchard fruit crops, and small fruits including but not limited to strawberries, brambles and grapes.
- (5) "Ornamentals and turf crops" means commercial nursery crops including but not limited to trees, shrubs, grasses and herbaceous plants produced for replanting for their ornamental value or for future fruit production.

- (6) "Greenhouse crops" means crops grown ~~under glass or plastic cover either~~ for food production or ~~for~~ ornamental value under an impervious surface large enough to permit worker entry.
 - (7) "Forest crops" means tree crops as produced for use as Christmas trees; or for their utilitarian value; as timber, pulp wood, poles, etc.
 - (8) "Livestock and livestock buildings" means domestic ~~and other~~ animals which are held as agricultural commodities, including poultry, and their quarters; ~~but it does not include pets or pet quarters housed in human habitations.~~
 - (9) "Non-crop land" means lands ~~unsuitable and/or~~ unused as either pasture or for production of food, ~~fiber~~fiber, or timber.
 - (10) "Stored grain" means seeds, cereal grains or soybeans stored and intended for use as human food or animal feed.
 - (11) "Aquatic" means lakes, ponds, and marshes from which it may be desirable to remove or reduce undesirable vegetation or animal life.
 - (12) "Seed treatment" means the application of one or more pesticides to seeds for control of organisms detrimental to germinating seeds or emerging seedlings.
 - (13) "Wood preservation" means the application of pesticides to wood products such as crossties, poles, posts, or other wood products that are not part of a structure when treated and are or will be exposed to insects, fungi, or weather.
 - (14) "Livestock protection collar" means the use on livestock of a collar containing a pesticide for the control of predators.
- ~~(H)~~(P) "Wood destroying insects" include termites, carpenter ants, carpenter bees and re-infesting wood boring beetles.

Effective:

R.C. 119.032 review dates: 10/01/2006

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 921.16
Rule Amplifies: 921.01
Prior Effective Dates: 1/11/77, 6/11/84, 1/30/91,
10/29/98, 10/1/01