

TO BE RESCINDED

901:5-11-02

General safety provisions, supervision.

(A) In order to protect the public, the environment, pesticide applicators, and their employees:

- (1) No person shall employ as an aide or helper in pesticide operation, within the meaning of sections 921.01 to 921.28 of the Revised Code, any person who is forbidden such type of employment by state or federal labor laws, any person who is mentally incompetent or for any reason unable to satisfactorily communicate with, or understand instructions given by the applicator of pesticides.
- (2) No employee shall act as a trained serviceman unless he has read the Ohio department of agricultural manual, "Safety Training Guide for Trained Servicemen." In lieu of reading the Ohio department of agriculture manual, the trained serviceman may complete an employer sponsored training program which provides training equivalent to that provided in the manual. The training or reading of the manual must occur before the employee's first occupational exposure to pesticides. Both employee and immediate supervisor must verify in writing that the employee has read the manual or received equivalent training. This written verification must be kept on file by the employer throughout the trained serviceman's period of employment and a minimum of three years after termination of employment. This written verification must be made available upon request to the director of agriculture or his agent.
- (3) Each custom applicator, custom operator, limited commercial applicator, public operator or private applicator shall provide for the protection of his employees the necessary safety equipment as set forth on the pesticide label or as required by the pesticide being used.
- (4) Each private applicator shall acquaint all persons directly supervised by him with the hazards involved in the handling of pesticides, with any special hazards involved with those pesticides with which such persons might be in contact, and instruct such persons in appropriate precautions to avoid such hazards.
- (5) Each custom applicator, custom operator, limited commercial applicator, or public operator shall acquaint all trained servicemen employed by him with any special hazards involved with those pesticides with which they might be in contact and, instruct the trained servicemen in appropriate precautions to avoid those hazards.

- (6) No employer shall permit any pesticide handler under eighteen years of age to mix or load a pesticide displaying the signal words "danger-poison" without on site supervision by a certified pesticide applicator.
 - (7) Whenever natural light in a pesticide mixing or loading area is not adequate to allow an employee to read the label and work in a safe manner, artificial light shall be provided in such areas which is sufficient to perform these activities.
 - (8) Mixing, loading and storage of agricultural pesticides shall not be allowed within the perimeter of a migrant labor camp.
- (B) No person shall operate application equipment which draws water from surface waters or public water supplies unless said equipment has an effective anti-siphon device to prevent backflow.
 - (C) No person shall operate equipment for the application of pesticides, including such auxiliary equipment as hoses and metering devices, in such condition or in such manner as to create a hazard from leaking, spillage, dripping, backflow, vapors or drift and thereby create a hazard to the health and safety of the public or to animals or wildlife.
 - (D) No person shall knowingly loan, rent or permit the use of applicator equipment owned or controlled by him which is faulty in any particular as described in paragraph (C) 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.
 - (E) A custom applicator, limited commercial applicator, or public operator shall report to the director of agriculture:
 - (1) By telephone, within forty-eight hours of his knowledge of any human illness requiring medical attention resulting from or allegedly resulting from a pesticide used by him, followed by a written report within seven days.
 - (2) By written report within ten days of his knowledge of any property damage, in excess of five hundred dollars, allegedly resulting from his pesticide handling activity.
 - (F) No person shall apply a pesticide to an area or a crop in such manner or at such a time that he will contaminate adjacent crops, pasture land, other area, or water.
 - (G) No person shall apply a pesticide at such time or under such conditions that the wind

velocity will cause the pesticide to drift and cause damage.

- (H) No person shall apply for himself, cause to be applied, or engage a custom applicator to apply a restricted-use pesticide which requires that a notice be given to occupants of nearby properties, or that the area to be treated be posted with re-entry time unless these requirements have been met.
- (I) No custom applicator shall apply a restricted-use pesticide unless he is first assured by the person who engaged him that said notifications have been made, or that the field or area has been posted with re-entry time if required.
- (J) Custom applicators applying pesticides on turf, shade trees and ornamental plants shall, at the time of application, leave with each customer, if requested, a printed or legibly written statement of the pesticide or pesticides applied, date applied, and any pertinent information pertaining to possible residues and hazards.
- (K) Custom applicators who apply pesticides for the control of agricultural pests shall provide each customer, if requested, with a printed or legibly written statement of the pesticide or pesticides applied, amounts applied, and information pertinent to harvest intervals, possible residues and re-entry standards. Such information shall be made available to the grower in sufficient time so that harvest may be timed to allow for the dissipation of pesticides.
- (L) No person shall 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.
- (M) No driver of a moving vehicle shall apply an herbicide to roadside vegetation within public right-of-way limits unless the spray is directed by a second person or unless a special permit has been obtained from the director.
- (N) No person shall apply by aircraft any rodenticide, avicide, or vertebrate repellent until the proposed application has been jointly approved by the director and by the division of wildlife of the Ohio department of natural resources; the application for such approval shall be submitted to both agencies fourteen days prior to planned treatment and shall include:
 - (1) The county, township and sections involved;
 - (2) A clear description of areas to be treated;
 - (3) Inclusive dates of intended operation;

- (4) The name of the pesticide and the formulation to include all active and inert ingredients;
- (5) The name of the target pest;
- (6) The effect which may be expected on non-target species in the area.

Effective: 07/01/2004

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CERTIFIED ELECTRONICALLY

Certification

05/18/2004

Date

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