

**Rule Summary and Fiscal Analysis (Part A)****Agriculture**

Agency Name

**Plant Industry**

Division

**Peter Esselburne**

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**901:5-11-02**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Trained servicepersons, safety and restrictions.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB217**General Assembly: **124**Sponsor: **Mumper**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **921.16**

5. Statute(s) the rule, as filed, amplifies or implements: **921.01 to 921.28**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Greater than 50% of former rule stricken, so proposing as new.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Clarifies duties of pesticide applicators regarding the training and safety of persons applying pesticides under their direct supervision, general safety affecting pesticide applications, restrictions governing aerial applications, applications near apiaries,

and notification requirements in cases of illness or property damage allegedly resulting from pesticide applications. Includes "trained serviceperson" requirements.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The rule incorporates by reference by a United States Code section by full citation, and a Revised Code section, making the references exempt under sections 121.75(A) and 121.76(A)(1) of the Revised Code, respectively.

The rule also incorporates by reference a training booklet "Safety Training Guide for Trained Servicemen," which is provided via ordinary US mail, at no charge, as part of the licensing process to all persons who would reasonably be expected to be affected by the rule. It is also provided free of charge to anyone who contacts the Agency to request it.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

The new rule will not impact the Agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

No expenditures, not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no direct cost to directly affected persons, although there may be indirect cost associated with time spent training employees, time ensuring that required safety provisions are in place, and time for necessary notifications in the case of illness or property damage allegedly resulting from a pesticide application.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**