

901:5-11-10

Recordkeeping.**(A) Commercial applicators:**

(1) Applying pesticides to areas other than structures or their contents shall record on the date of application the following information for each application made by the commercial applicator or trained servicepersons working under the commercial applicator's direct supervision:

(a) Name and business address of responsible commercial applicator and names of the trained servicepersons applying pesticides under the commercial applicator's direct supervision;

(b) Name and address of person contracting for service;

(c) Date of application;

(d) Type of plants, crop or animals to be treated;

(e) Principal pests to be controlled;

(f) Acreage or number of plants or animals treated;

(g) Location or field identification number of treatment area;

(h) Trade name (brand name) and EPA registration number of pesticides used;

(i) Total amount of each pesticide product used;

(j) Rate of application and concentration of pesticide formulation applied;

(k) Type of equipment used;

(l) 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;

(m) Wind direction and velocity, air temperature and other weather conditions when applicable; and

(n) Any other pertinent information as required by the pesticide label.

(2) Applying pesticides to structures and their contents shall record on the date of application the following information for each application made by the commercial applicator or trained servicepersons working under the commercial applicator's direct supervision:

- (a) Name and business address of responsible commercial applicator and names of the trained servicepersons applying pesticides under the commercial applicator's direct supervision;
 - (b) Name and address of person contracting for service;
 - (c) Date of application;
 - (d) Principal 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) Total amount of each pesticide product used;
 - (h) Rate of application and concentration of pesticide formulation applied;
 - (i) Type of equipment used;
 - (j) 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
 - (k) Any other pertinent information as required by the pesticide label.
- (3) Conducting wood-destroying insect diagnostic inspections shall record the results of each inspection on form NPCA-1, which is attached to this rule as appendix "A." Form NPCA-1 shall be completed and signed within five business days following completion of the wood-destroying insect inspection. The commercial applicator's signature on form NPCA-1 is the commercial applicator's certification that the wood-destroying insect inspection was conducted and reported in accordance with the requirements of Chapter 901:5-11 of the Administrative Code. It is a violation of this rule if the commercial applicator fails to complete and sign Form NPCA-1 as required by this rule.
- (4) Shall submit, within ten days following the date of completion, a copy of each record required under paragraphs (A)(1) to (A)(3) 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.
- (5) 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.

(B) The employer of a commercial applicator that receives copies of records under paragraph (A)(4) of this rule shall retain those records for a period of three years from the date of application and shall make those records available to the director.

(C) Pesticide businesses shall:

(1) Retain at the appropriate registered location, or at the pesticide business if there is no registered location, records submitted under paragraph (A)(4) of this rule for a period of three years from the date of application and shall make those records available to the director.

(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. This verification shall be made available to the director.

(D) Pesticide dealers shall:

(1) Keep a record of all sales of restricted-use pesticides made to pesticide applicators. 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.

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. The dealer shall retain such records for no less than three years.

(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. The report shall contain all of the information required under paragraph (D)(1) of this rule. If there are no sales of restricted-use pesticides for the period, the report shall so state. This report shall be made on a form designed by the director or on a computer-generated equivalent. The report shall be made available to the director during reasonable business hours. The dealer shall retain the report for no less than three years.

(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. The copy submitted under this paragraph shall be identical to the report compiled and retained pursuant to paragraph (D)(2) of this rule.

(E) Private applicators:

(1) Shall record the following information for each application on the date of application:

(a) The responsible private applicator's name, address, and license number;

(b) The brand or product name, formulation, and EPA registration number of the restricted use pesticide applied;

(c) The total amount and the rate of application of the restricted use pesticide applied;

(d) Location and/or field number for area treated and total area or acreage treated;

(e) Crop treated;

(f) Target pest;

(g) Month, day and year of application;

(h) Type of application equipment;

(i) Method of application (pre-emergence, post-emergence, planter, foliar, etc.); and

(j) Weather conditions including air temperature, wind speed and direction when pesticides are applied outside of a structure.

(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.

- (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 and shall make those records available to the director. 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.

Replaces: Former 901:5-11-07, Part of 901:5-11-04
Effective: 07/01/2004
R.C. 119.032 review dates: 07/01/2009

CERTIFIED ELECTRONICALLY

Certification

05/18/2004

Date

Promulgated Under: 119.03
Statutory Authority: 921.16
Rule Amplifies: 921.14
Prior Effective Dates: 1/1/77, 2/1/94, 10/29/98,
10/1/01, 11/11/02