



PUBLIC NOTICE

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to Chapter 901:5-11 of the Ohio Administrative Code.

The rules in chapter 901:5-11 of the Administrative Code regulate pesticide application in the state of Ohio. These rules protect the citizens of Ohio by training and regulating pesticide applicators on proper pesticide use and application. The rules below have been reviewed by the Department of Agriculture (“Department”) and industry stakeholders pursuant to Revised Code 119.32, and have been found to need the changes as outlined.

OAC 901:5-11-02 is being amended to clarify that trained servicepersons shall not apply pesticides for their employer unless their supervisor is within the allotted distance. The amendment replaces the word “apply pesticides for hire” with “for their employer.” This amendment was brought about by several applicators attempting to claim that the trained serviceperson was not hired but rather their employer was. The amendment closes this potential loophole. Further, OAC 901:5-11-02 is being amended to no longer require aerial applicators to pass a category exam for the pesticides they are spraying. This is due to a change in the industry for which the applicator themselves never get out of the aircraft. Rather, they land, an individual fills up his pesticide tank and the pilot is given the coordinates on where to fly. Since the pilot is not handling the pesticides a category examination is not necessary.

OAC 901:5-11-09 sets forth notification requirements for pesticide applicators. The rule’s proposed amendment ensures that the public is properly notified and warned by not allowing obstructed sightlines to the lawn chemical application sign.

OAC 901:5-11-19 adopts the Agricultural Worker Protection standard as the pesticide safety standard in Ohio. This rule is being amended to clarify the rule.

The hearing will be held on:

September 7, 2017 at 9:00 A.M.

**Ohio Department of Agriculture
Bromfield Administration Building
Hearing Room 133 (Seminar “B”)
8995 East Main Street
Reynoldsburg, Ohio 43068-3399.**

The hearing will be conducted in accordance with Chapter 119 of the Revised Code. Any person affected by the no change rule package may appear and be heard in person, by his attorney, or both, may present his position, arguments, or contentions, orally or in writing, offer and examine



witnesses, and present evidence tending to show that the no change rule package, if adopted or effectuated, will be unreasonable or unlawful.

More information on the rule package, including a business impact analysis and copies of the rules, can be found at <http://www.agri.ohio.gov/proposedrules/proposedrules.aspx> or by visiting the Register of Ohio at www.registerofohio.state.oh.us.

Any person who wishes to present his position, arguments, or contentions in writing, other than at the public hearing, may do so by either mailing his or her written comments to the Ohio Department of Agriculture, c/o Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068; by email at ecomments@agri.ohio.gov, or by transmitting by facsimile at (614) 995-4585. Written comments sent by mail shall be postmarked no later than the day of the hearing. Written comments transmitted by facsimile shall be received no later than 5:00 p.m. on the day of the hearing.

