

## **PUBLIC NOTICE**

The Ohio Department of Agriculture will hold a public hearing for the purpose of accepting testimony on the proposed amendments made to rules 901:5-11-01 and -10 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 and have been found to need the changes as outlined.

901:5-11-01 outlines the definitions as used in the chapter. The rule is being amended to comply with the incorporation by reference requirements in order to add an effective date to the Federal Insecticide, Fungicide, and Rodenticide Act. Additionally, the definitions of several pesticide use categories have been amended to clarify that these pesticide categories do not include the use of fumigants. Finally, the definition of “anti-siphon device” has been amended to include the statement, “physical air gap of at least two times the diameter of the point of discharge between the water supply and the highest portion of the tank.” This amendment was made to prevent contamination of the water source.

901:5-11-10 sets forth the recordkeeping requirements for all licensed applicators. The rule has been amended at the request of the industry to relieve recording unnecessary data during pesticide applications by commercial applicators. The current rule separates recordkeeping requirements based on the area where an applicator was applying pesticides. The breakdown resulted in situations where applicators were required to record wind direction and velocity during applications that could not be impacted by wind direction or velocity. The proposed rule seeks to correct this unnecessary recordkeeping requirement.

The hearing will be held on:

**November 21, 2018 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 by visiting the [Department's Administrative Rule](#) page or by visiting the Register of Ohio at [www.registerofohio.state.oh.us](http://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](mailto: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.

