

**Chapter 0080-6-14
Pest Control Operators**

New Rule

Effective July 29, 2009

0080-6-14-.16 Requirements for Spot Treatment Only – Lawn Maintenance

(1) Any person incidentally applying a herbicide with the sole active ingredient of Glyphosate for the control of weeds in conjunction with commercial lawn and landscape maintenance practices such as spot treatments adjacent to fencing, driveways, parking lots, cemetery markers and landscape borders and areas in lieu of or in conjunction with hand-weeding or mechanical weed trimming and edging shall not be considered as applying a pesticide for a fee and shall not be required to be licensed as a commercial pest control operator when the person meets the following criteria:

- (a) The applicator has obtained certification by successfully completing **(score of 70)** an exam demonstrating general knowledge of pesticides including safety in handling, mixing and applying pesticides, environmental hazards in using pesticide, calculations, calibrations and label comprehension. The certification category created specifically for such application is to be known as "Limited Herbicide Applicator". Recertification requirements are stipulated in rule 0080-6-16.04. Any person exhibiting unethical behavior during an examination shall be ineligible to take another certification exam for two (2) years.
- (b) The application equipment is limited to a single, hand-held nozzle supplied by a tank with a maximum capacity of twenty-five (25) gallons; an electric or hand-powered pump with a maximum discharge rate of 1.5 gallons per minute; and a discharge hose no more than fifteen (15) feet long.
- (c) The applicator or his or her employer has furnished proof of liability insurance with coverage for bodily injury and property damage of at least **\$300,000 per occurrence and \$300,000 aggregate**, including coverage for products/completed operations, and the policy has been endorsed to cover herbicide applications.
- (d) The certificate number issued to the applicator is displayed in the upper right-hand corner of the applicator's vehicle used in the business or on both sides of any trailer used in the business. The name of the business shall be displayed on the right and left sides of all company vehicles or trailers. **Lettering shall not be less than two inches (2") tall.**
- (e) Application records shall contain the **date of application and the property address.**

- (2) A person operating under this section is **not** authorized to:
- (a) Advertise the application of herbicides or any other pesticide application.
 - (b) Supervise the application of any pesticide by an uncertified person.
- (3) Persons certified as limited herbicide applicators are **not** required to obtain a business charter, bond, or license.
- (4) A person is not required to meet the above requirements in order to apply a herbicide with the sole active ingredient of Glyphosate for the control of weeds in conjunction with lawn maintenance practices as spot treatments in lieu of, or in conjunction with, mechanical weed trimming or edging at a homeowner's or renter's residence when such product is stored, provided and mixed by the homeowner or renter requesting such service. The homeowner or renter is responsible for instructing the applicator as to how and where to apply the product.