

As Passed by the Senate

**124th General Assembly
Regular Session
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Sub. S. B. No. 217

SENATORS Mumper, Carnes, Harris

A B I L L

To amend sections 907.42, 921.01, 921.02, 921.021, 1
921.06, 921.08, 921.09, 921.10, 921.11, 921.13, 2
921.14, 921.151, 921.16, 921.18, 921.22 to 921.27, 3
921.29, 921.30, and 921.99; to amend, for the 4
purpose of adopting new section numbers as 5
indicated in parentheses, section 921.021 (921.09), 6
921.08 (921.19), 921.09 (921.12), 921.151 (921.22), 7
921.22 (921.08), 921.23 (921.26), 921.24 (921.23), 8
921.25 (921.24), and 921.26 (921.25), and 921.30 9
(921.31); to enact new section 921.30; and to 10
repeal sections 921.07 and 921.12 of the Revised 11
Code to revise the Pesticides Law. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 907.42, 921.01, 921.02, 921.021, 13
921.06, 921.08, 921.09, 921.10, 921.11, 921.13, 921.14, 921.151, 14
921.16, 921.18, 921.22, 921.23, 921.24, 921.25, 921.26, 921.27, 15
921.29, 921.30, and 921.99 be amended, sections 921.021 (921.09), 16
921.08 (921.19), 921.09 (921.12), 921.151 (921.22), 921.22 17
(921.08), 921.23 (921.26), 921.24 (921.23), 921.25 (921.24), 18
921.26 (921.25), and 921.30 (921.31) be amended for the purpose of 19
adopting new section numbers as indicated in parentheses, and new 20
section 921.30 of the Revised Code be enacted to read as follows: 21

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Sec. 907.42. No person shall sell, distribute, or have in ~~his~~ the person's possession for sale, a poisonous seed treatment material in the state unless ~~such~~ the material meets the color standards or specifications that are established by the director of agriculture pursuant to section 907.43 of the Revised Code. Products sold and distributed as seed treatments shall conform to directions for use on labels accepted for registration under ~~sections 921.11 to 921.20, inclusive,~~ Chapter 921. of the Revised Code, and the federal "Insecticide, Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 135, as amended.

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Sec. 921.01. As used in ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter:

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(A) "Active ingredient" means any ingredient that will prevent, destroy, kill, repel, control, or mitigate any pest, or that will act as a plant regulator, defoliant, or desiccant.

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(B) "Adulterated" shall apply to any pesticide if its strength or purity is less than or greater than the professed standard or quality as expressed on its labeling or under which it is sold, if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

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(C) "Agricultural commodity" means any plant or part thereof or animal or animal product, produced for commercial use by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons, primarily for the sale, consumption, propagation, or other use, by ~~man~~ humans or animals.

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(D) "Aircraft" means any device used or designed for navigation or flight in the air, except a parachute or other device used primarily as safety equipment.

(E) "Animal" means all vertebrate and invertebrate species, including, but not limited to, ~~man~~ humans and other mammals, birds, fish, and shellfish.

(F) "Authorized diagnostic inspection" means a diagnostic inspection conducted by a commercial applicator in the pesticide-use category in which the commercial applicator is licensed under this chapter.

(G) "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

~~(G)~~(H) "Brand" means any word, name, symbol, device, or any combination thereof, that serves to distinguish the pesticide manufactured or distributed by one person from that manufactured or distributed by any other person.

~~(H) "Certification" means the recognition by a certifying agency that a person is competent and authorized to use or directly supervise the use of restricted use pesticides.~~

(I) "Certified Pesticide applicator" means ~~an individual who is certified by the director of agriculture to use or to directly supervise the use of restricted use pesticides in categories specified in the certification or for specific uses named in the permit~~ a commercial applicator or a private applicator.

(J) "Private applicator" means an individual who is certified licensed under section 921.11 of the Revised Code ~~and who uses or directly supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between~~

~~producers of agricultural commodities, on the property of another person.~~ 82
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(K) ~~"Commercial applicator" means an individual who is certified as a custom applicator, a custom operator, or a public operator, whether or not he is a private applicator with respect to some uses, and who uses or directly supervises the use of any pesticide, "Commercial applicator" includes an individual who provides diagnostic inspections to determine infestations of pests on property, or who offers pest control services, other than as provided by the definition of "private applicator licensed under section 921.06 of the Revised Code to apply pesticides or to conduct authorized diagnostic inspections."~~ 84
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(L) ~~"Limited commercial applicator" means an individual other than a private applicator who limits his pesticide application activities including direct supervision of the use of pesticides to his own property or to that of his principal employer and who has been certified or licensed as competent by the director to apply restricted use pesticides or general use pesticides in those certain categories and in the manner specified in his certification or licensure.~~ 94
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(M) ~~"Certifying agency" means the department of agriculture or a similar agency of another state recognized as such by the United States environmental protection agency.~~ 102
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(N) ~~"Custom applicator" means any individual who applies pesticides in this state for hire, but does not include any of the following:~~ 105
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- ~~(1) A private applicator;~~ 108
- ~~(2) A public applicator;~~ 109
- ~~(3) A trained serviceman;~~ 110
- ~~(4) Limited commercial applicator.~~ 111

~~(O)~~ "Custom operator" means an individual, other than a trained serviceman, who may directly supervise a trained serviceman in activities that include recommending control, handling, mixing, and applying pesticides and the disposal of waste, excess materials, or containers.

~~(P)~~ "Competent" means properly qualified ~~to perform the functions that are prescribed by the director of agriculture and under the federal act, and that are associated with pesticide application as evidenced by passing the general examination and each applicable pesticide-use category examination for the pesticide-use categories in which a person applies pesticides and, in the case of a person who is a commercial applicator, conducts diagnostic inspections and by meeting any other criteria established by rule.~~

~~(Q)~~(M) "Federal act" means the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 136, as amended.

~~(R)~~(N) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

~~(S)~~(O) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

~~(T)~~(P) "Device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than ~~man~~ human beings and other than bacteria, virus, or other microorganism on or in living ~~man~~ human beings or other living animals. "Device" does not include equipment used for the application of pesticides when sold separately therefrom.

~~(U)~~(Q) "Direct supervision" means either of the following, as

applicable: 143

(1) Unless otherwise prescribed by its labeling, a pesticide 144
is considered to be applied under the direct supervision of a 145
~~commercial or limited~~ commercial applicator, if it is applied by a 146
trained ~~serviceman~~ serviceperson acting under the instructions and 147
control of a ~~commercial or limited~~ commercial applicator ~~who is~~ 148
~~responsible for the actions of that trained serviceman and who is~~ 149
~~available when needed, even though the commercial or limited~~ 150
~~commercial applicator is not physically present at the time and~~ 151
~~place the pesticide is applied;.~~ 152

(2) Unless otherwise prescribed by its labeling, a restricted 153
use pesticide is considered to be applied under the direct 154
supervision of a private applicator, if it is applied by an 155
~~employee or~~ immediate family member or a subordinate employee of 156
that private applicator acting under the instructions and control 157
of the private applicator, who is responsible for the actions of 158
that ~~employee or~~ immediate family member or subordinate employee 159
and who is available when needed, even though the private 160
applicator is not physically present at the time and place the 161
restricted use pesticide ~~handling activities are~~ application is 162
occurring. ~~Restricted use pesticide handling activities include~~ 163
~~equipment calibration, mixing, loading, application, operator~~ 164
~~safety, and disposal.~~ 165

~~(V)~~(R) "Directly supervise" means providing direct 166
supervision under division ~~(U)~~(Q)(1) or (2) or both of those 167
divisions of this section, as applicable. 168

~~(W)~~(S) "Distribute" means to offer or hold for sale, sell, 169
barter, ship, deliver for shipment, or receive and, having so 170
received, to deliver or offer to deliver, pesticides in this 171
state. "Distribute" does not mean to hold for use, apply, or use 172
pesticides or dilutions of pesticides, except when a pesticide 173
dealer holds for use, applies, or uses pesticides or dilutions of 174

pesticides in the course of business with a commercial applicator 175
who is employed by that pesticide dealer. 176

~~(X)~~(T) "Environment" includes water, air, land, and all 177
plants and ~~man~~ human beings and other animals living therein, and 178
the interrelationships that exist among them. 179

~~(Y)~~(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 180
which is any nonchlorophyll-bearing plant of a lower order than 181
mosses and liverworts, as for example, rust, smut, mildew, mold, 182
yeast, and bacteria, except those on or in living ~~man~~ human beings 183
or other animals, or processed food, beverages, or 184
pharmaceuticals. 185

~~(Z)~~(V) "General use pesticide" means a pesticide that is 186
classified for general use under ~~provisions of~~ the federal act. 187

~~(AA)~~(W) "Ground equipment" means any device, other than 188
aircraft, used on land or water to apply pesticides in any form. 189

~~(BB)~~(X) "Immediate family" means a person's spouse residing 190
in the person's household, brothers and sisters of the whole or of 191
the half blood, children, including adopted children, parents, and 192
grandparents. 193

(Y) "Incidental use" or "incidentally use" means the 194
application of a general use pesticide on an occasional, isolated, 195
site-specific basis in order to avoid immediate personal harm. 196
"Incidental use" or "incidentally use" does not mean regular, 197
routine, or maintenance application of a general use pesticide. 198

(Z) "Inert ingredient" means an ingredient that is not 199
active. 200

~~(CC)~~(AA) "Ingredient statement" means a statement of the name 201
and percentage of each active ingredient, together with the total 202
percentage of inert ingredients. When the pesticide contains 203
arsenic in any form, the ingredient statement shall include 204
percentages of total and water soluble arsenic, each calculated as 205

elemental arsenic. 206

~~(DD)~~(BB) "Insect" means any of the numerous small 207
invertebrate animals generally having the body more or less 208
obviously segmented, for the most part belonging to the class 209
insecta, including, but not limited to, beetles, bugs, bees, and 210
flies, and to other allied classes of arthropods, including, but 211
not limited to, spiders, mites, ticks, centipedes, and wood lice. 212

~~(EE)~~(CC) "Integrated pest management" means a sustainable 213
approach to managing pests by combining biological, cultural, 214
physical, and chemical tools in a way that minimizes economic, 215
health, and environmental risks. 216

(DD) "Label" means the written, printed, or graphic matter 217
on, or attached to the pesticide or device, or any of its 218
containers or wrappers. 219

~~(FF)~~(EE) "Labeling" means all labels and other written, 220
printed, or graphic matter: 221

(1) Accompanying the pesticide product or device at any time; 222
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(2) To which reference is made on the label or in literature 224
accompanying the pesticide product or device, except when 225
accurate, nonmisleading reference is made to current official 226
publications of the United States environmental protection agency, 227
the United States department of agriculture or interior, the 228
United States department of health and human services, state 229
experiment stations, state agricultural colleges, or other similar 230
federal or state institutions or official agencies, authorized by 231
law to conduct research in the field of pesticides; 232

(3) Including all brochures, technical and sales bulletins, 233
and all advertising material. 234

~~(GG)~~(FF) "Licensure" includes certification as used in the 235
federal act. 236

<u>(GG)</u> "Misbranded" applies, if the conditions of either	237
division (GG)(1) or (2) of this section are satisfied as follows:	238
(1) To any pesticide or device, if at least one of the	239
following occurs:	240
(a) Its labeling bears any statement, design, or graphic	241
representation relative thereto or to its ingredients that is	242
false or misleading in any particular + .	243
(b) It is an imitation of or is distributed under the name of	244
another pesticide or device + .	245
(c) Any word, statement, or other information required to	246
appear on the label or labeling is not prominently placed thereon	247
with such conspicuousness, as compared with other words,	248
statements, designs, or graphic matter in the labeling, and in	249
such terms as to render it likely to be read and understood by the	250
ordinary individual under customary conditions of purchase and	251
use.	252
(2) To any pesticide, if at least one of the following	253
occurs:	254
(a) The labeling of a restricted use pesticide does not	255
contain a statement that it is a restricted use pesticide + .	256
(b) The labeling accompanying it does not contain directions	257
for use that are necessary for effecting the purpose for which the	258
pesticide is intended and, if complied with, together with any	259
requirements imposed by the federal act, that are adequate to	260
protect the environment + .	261
(c) The label does not bear all of the following:	262
(i) The name, brand, or trademark under which the pesticide	263
is distributed;	264
(ii) An ingredient statement on the part of the immediate	265
container and on the outside container and wrapper of the retail	266

package, if any, through which the ingredient statement on the
immediate container cannot be clearly read, which is presented or
displayed under customary conditions of purchase, provided that
the ingredient statement may appear prominently on another part of
the container as permitted by the amended federal act or by the
director;

(iii) A warning or caution statement that may be necessary
and that, if complied with together with any requirement imposed
under the federal act, would be adequate to protect the
environment;

(iv) The net weight or measure of the contents, subject to
such reasonable variations as the administrator of the United
States environmental protection agency or the director of
agriculture may permit;

(v) The name and address of the manufacturer, registrant, or
person for whom manufactured;

(vi) The United States environmental protection agency
registration number assigned to each establishment in which the
pesticide was produced and the agency registration number assigned
to it, as required by regulations under the federal act.

(d) ~~That~~ The pesticide contains any substance or substances
in quantities highly toxic to ~~man~~ human beings unless the label
bears, in addition to other label requirements, all of the
following:

(i) The skull and crossbones;

(ii) The word "poison" in red prominently displayed on a
background of distinctly contrasting color;

(iii) A statement of an antidote or a practical or emergency
medical treatment, first aid or otherwise, in case of poisoning by
the pesticide.

(e) It is contained in a package or other container or 297
wrapping that does not conform to the standard established by the 298
administrator of the United States environmental protection 299
agency. 300

(HH) "Nematodes" means invertebrate animals of the phylum 301
nemathelminthes and class nematoda, which are unsegmented, round 302
worms with elongated, fusiform, or sac-like bodies covered with 303
cuticle, and that inhabit soil, water, plants, or plant parts and 304
also may be called nema or eel-worms. 305

~~(II) "Permit" means a certificate issued by the director of 306
agriculture authorizing the purchase or use of a pesticide. 307~~

~~(JJ)~~ "Pest" means a harmful, destructive, or nuisance insect, 308
fungus, rodent, nematode, bacterium, bird, snail, weed, or 309
parasitic plant or a harmful or destructive form of plant or 310
animal life or virus, or any plant or animal species that the 311
director declares to be a pest, except viruses, bacteria, or other 312
microorganisms on or in living animals, including ~~man~~ human 313
beings. 314

~~(KK)~~(JJ) "Pesticide" means any substance or mixture of 315
substances intended for either of the following: 316

(1) Preventing, destroying, repelling, or mitigating any 317
pest; 318

(2) Use as a plant regulator, defoliant, or desiccant. 319

"Pesticide" includes a pest monitoring system designated by 320
rule. 321

~~(LL)~~(KK) "Pesticide dealer" means any person who distributes 322
restricted use pesticides or pesticides whose uses or distribution 323
are further restricted by the director to the ultimate user or to 324
a commercial applicator who is employed by that pesticide dealer. 325

~~(MM)~~(LL) "Pesticide application business" means any location 326

~~that is used for the purpose of engaging in the business of~~ 327
~~applying a person who performs pesticide business activities.~~ 328

(MM) "Pesticide business activities" means any of the 329
following: 330

(1) The application of pesticides to the property of another 331
for hire, but does not mean any location that is used exclusively 332
to perform administrative or other functions not directly 333
connected with the storage, preparation, handling, or distribution 334
of the pesticides to be applied; 335

(2) The solicitation to apply pesticides; 336

(3) The conducting of authorized diagnostic inspections. 337

(NN) "Pesticide business registered location" means a 338
location at which pesticide business activities are conducted and 339
that is registered through the issuance of a license to a 340
pesticide business under section 921.09 of the Revised Code. 341

(OO) "Pesticide-use category" means a specialized field of 342
pesticide application or of diagnostic inspection as defined by 343
rule. 344

~~(NN)~~(PP) "Plant regulator" means any substance or mixture of 345
substances, intended, through physiological action, for 346
accelerating or retarding the growth or rate of maturation, or for 347
otherwise altering the behavior of plants or the produce thereof, 348
but ~~shall~~ does not include substances to the extent that they are 349
intended as plant nutrients, trace elements, nutritional 350
chemicals, plant inoculants, or soil amendments. 351

~~(OO)~~(QQ) "Product name" means a coined or specific 352
designation applied to an individual pesticide of a fixed 353
combination and derivation. 354

~~(PP)~~ "Public operator" means an individual who himself 355
applies, or directly supervises the application of pesticides by a 356

~~trained serviceman, while acting as an employee of the United States government, a state, county, township, or municipal governmental agency, or of a park district, port authority, or sanitary district created pursuant to Chapter 1545., 4582., or 6115. of the Revised Code.~~

~~(QQ)~~(RR) "Registrant" means a person who has registered a pesticide pursuant to sections 921.01 to 921.29 of the Revised Code under this chapter.

~~(RR)~~(SS) "Restricted use pesticide" means any pesticide or pesticide use classified by the administrator of the United States environmental protection agency for use only by a ~~certified~~ pesticide applicator or by an individual working under the direct supervision of a ~~certified~~ pesticide applicator.

~~(SS)~~(TT) "Rule" means a rule adopted under section 921.16 of the Revised Code.

(UU) "Sell or sale" means exchange of ownership or transfer of custody.

~~(TT)~~(VV) "State restricted use pesticide" means any pesticide or pesticides classified by the director subsequent to a hearing held in accordance with Chapter 119. of the Revised Code for use only by ~~certified~~ pesticide applicators or individuals working under their direct supervision.

~~(UU)~~(WW) "Unreasonable adverse effects on the environment" means any unreasonable risk to ~~man~~ human beings or the environment taking into account the economic, social, and environmental benefits and costs of the use of any pesticide.

~~(VV)~~(XX) "Trained ~~serviceman~~ serviceperson" means an ~~employee of a commercial applicator or limited commercial applicator whom the commercial applicator or limited commercial applicator has instructed in the proper use of the equipment and all pesticides with which the employee is to work~~ an employee of a pesticide

business, other business, agency of the United States government, 388
state agency, or political subdivision who has been trained to 389
apply pesticides while under the direct supervision of a 390
commercial applicator. 391

~~(WW)~~(YY) "Weed" means any plant that grows where not wanted. 392

~~(XX)~~(ZZ) "Wildlife" means all living things that are neither 393
human, domesticated, ~~nor are~~ or pests, including, but not limited 394
to, mammals, birds, and aquatic life. 395

~~(YY)~~(AAA) "Trade secret" and "confidential business 396
information" mean any formula, plan, pattern, process, tool, 397
mechanism, compound, procedure, production date, or compilation of 398
information that is not patented, that is known only to certain 399
individuals within a commercial concern, and that gives its user 400
an opportunity to obtain ~~an~~ a business advantage over competitors 401
who do not know or use it. 402

Sec. 921.02. (A) ~~Each~~ No person shall distribute a pesticide 403
~~that is distributed~~ within this state ~~shall be~~ unless the 404
pesticide is registered with the director of agriculture ~~subject~~ 405
~~to sections 921.01 to 921.29 of the Revised Code~~ under this 406
chapter. Registrations shall be issued for a period of time 407
established by rule and shall be renewed in accordance with 408
deadlines established by rule. Registration is not required if a 409
pesticide is shipped from one plant or warehouse to another plant 410
or warehouse operated by the same person and used solely at that 411
plant or warehouse as a constituent part to make a pesticide that 412
is registered under ~~sections 921.01 to 921.29 of the Revised Code~~ 413
this chapter, or if the pesticide is distributed under the 414
provisions of an experimental use permit issued under section 415
921.03 of the Revised Code or an experimental use permit issued by 416
the United States environmental protection agency. 417

(B) The applicant for registration of a pesticide shall file 418

a statement with the director on a form provided by the director,
which shall include all of the following:

(1) The name and address of the applicant and the name and
address of the person whose name will appear on the label, if
other than the applicant's name;

(2) The brand and product name of the pesticide;

(3) Any necessary information required for completion of the
department of agriculture's application for registration,
including the agency registration number;

(4) A complete copy of the labeling accompanying the
pesticide and a statement of all claims to be made for it,
including the directions for use and the use classification as
provided for in the federal act.

(C) The director, when the director considers it necessary in
the administration of ~~sections 921.01 to 921.29 of the Revised~~
~~Code~~ this chapter, may require the submission of the complete
formula of any pesticide including the active and inert
ingredients.

(D) The director may require a full description of the tests
made and the results thereof upon which the claims are based for
any pesticide. The director shall not consider any data submitted
in support of an application, without permission of the applicant,
in support of any other application for registration unless the
other applicant first has offered to pay reasonable compensation
for producing the test data to be relied upon and the data are not
protected from disclosure by section 921.04 of the Revised Code.
In the case of a renewal of registration, a statement shall be
required only with respect to information that is different from
that furnished when the pesticide was registered or last
registered.

(E) The director may require any other information to be

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submitted with an application. 450

Any applicant may designate any portion of the required 451
registration information as a trade secret or confidential 452
business information. Upon receipt of any required registration 453
information designated as a trade secret or confidential business 454
information, the director shall consider the designated 455
information as confidential and shall not reveal or cause to be 456
revealed any such designated information without the consent of 457
the applicants, except to persons directly involved in the 458
registration process described in this section or as required by 459
law. 460

(F) Each applicant shall pay a registration and inspection 461
fee of ~~fifty dollars per year~~ established by rule for each product 462
name and brand registered for the company whose name appears on 463
the label. If an applicant files for a renewal of registration 464
after the deadline established by rule, the applicant shall pay a 465
penalty fee of ~~twenty-five dollars~~ established by rule for each 466
product name and brand registered for the applicant. The penalty 467
fee shall be added to the original fee and paid before the renewal 468
registration is issued. In addition to any other remedy available 469
under ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter, 470
if a pesticide that is not registered pursuant to this section is 471
distributed within this state, the person required to register the 472
pesticide shall do so and shall pay a penalty fee of ~~twenty-five~~ 473
~~dollars~~ established by rule for each product name and brand 474
registered for the applicant. The penalty fee shall be added to 475
the original fee and paid before the registration is issued. 476

(G) Provided that the state is ~~certified~~ authorized by the 477
administrator of the United States environmental protection agency 478
to register pesticides to meet special local needs, the director 479
shall require the information set forth under divisions (B), (C), 480
(D), and (E) of this section and shall register any such pesticide 481

after determining that all of the following conditions are met: 482

(1) Its composition is such as to warrant the proposed claims 483
for it. 484

(2) Its labeling and other material required to be submitted 485
comply with the requirements of the federal act and of ~~sections~~ 486
~~921.01 to 921.29 of the Revised Code~~ this chapter, and rules 487
adopted thereunder. 488

(3) It will perform its intended function without 489
unreasonable adverse effects on the environment. 490

(4) When used in accordance with widespread and commonly 491
recognized practice, it will not generally cause unreasonable 492
adverse effects on the environment. 493

(5) The classification for general or restricted use is in 494
conformity with the federal act. 495

The director shall not make any lack of essentiality a 496
criterion for denying the registration of any pesticide. When two 497
pesticides meet the requirements of ~~this~~ division (G) of this 498
section, the director shall not register one in preference to the 499
other. 500

(H)(1) The director may refuse to register a pesticide if the 501
application for registration fails to comply with this section. 502

(2) The director may suspend or revoke a pesticide 504
registration after a hearing in accordance with Chapter 119. of 505
the Revised Code for a pesticide that fails to meet the claims 506
made for it on its label. 507

(3) The director may immediately suspend a pesticide 508
registration, prior to a hearing, when the director believes that 509
the pesticide poses an immediate hazard to human or animal health 510
or a hazard to the environment. Not later than fifteen days after 511

suspending the registration, the director shall determine whether
the pesticide poses such a hazard. If the director determines that
no hazard exists, the director shall lift the suspension of the
registration. If the director determines that a hazard exists, the
director shall revoke the registration in accordance with Chapter
119. of the Revised Code.

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Sec. 921.06. ~~(A)(1) No individual shall act as or hold~~
~~oneself out to the public as being a custom applicator do any of~~
~~the following without having a custom commercial applicator~~
~~license issued by the director of agriculture. The individual~~
~~shall obtain an additional license for each pesticide application~~
~~business location for which the individual is the commercial~~
~~applicator of record. Licenses:~~

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(a) Apply pesticides for a pesticide business without direct
supervision;

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(b) Apply pesticides as part of the individual's duties while
acting as an employee of the United States government, a state,
county, township, or municipal corporation, or a park district,
port authority, or sanitary district created under Chapter 1545.,
4582., or 6115. of the Revised Code, respectively;

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(c) Apply restricted use pesticides. Division (A)(1)(c) of
this section does not apply to a private applicator or an
immediate family member or a subordinate employee of a private
applicator who is acting under the direct supervision of that
private applicator.

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(d) If the individual is the owner of a business other than a
pesticide business or an employee of such an owner, apply
pesticides at any of the following publicly accessible sites that
are located on the property:

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(i) Food service operations as defined in section 3717.01 of

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<u>the Revised Code;</u>	542
(ii) <u>Retail food establishments as defined in section 3717.01</u>	543
<u>of the Revised Code;</u>	544
(iii) <u>Golf courses;</u>	545
(iv) <u>Rental properties of more than four apartment units at</u>	546
<u>one location;</u>	547
(v) <u>Hospitals or medical facilities as defined in section</u>	548
<u>3701.01 of the Revised Code;</u>	549
(vi) <u>Child day-care centers or school child day-care centers</u>	550
<u>as defined in section 5104.01 of the Revised Code;</u>	551
(vii) <u>Facilities owned or operated by a school district</u>	552
<u>established under Chapter 3311. of the Revised Code, including an</u>	553
<u>education service center, a community school established under</u>	554
<u>Chapter 3314. of the Revised Code, or a chartered or nonchartered</u>	555
<u>nonpublic school that meets minimum standards established by the</u>	556
<u>state board of education;</u>	557
(viii) <u>Wholesale food establishments as defined in section</u>	558
<u>3715.021 of the Revised Code;</u>	559
(ix) <u>Any other site designated by rule.</u>	560
(e) <u>Conduct authorized diagnostic inspections.</u>	561
(2) <u>Divisions (A)(1)(a) to (d) of this section do not apply</u>	562
<u>to an individual who is acting as a trained serviceperson under</u>	563
<u>the direct supervision of a commercial applicator.</u>	564
(3) <u>Licenses</u> shall be issued for a period of time established	565
by rule and shall be renewed in accordance with deadlines	566
established by rule. The fee for each such license is one hundred	567
dollars per year to be submitted with the application shall be	568
<u>established by rule.</u> If a license is not issued or renewed, the	569
application fee shall be retained by the state as payment for <u>the</u>	570

reasonable expense of processing the application. The director 571
shall by rule classify by ~~categories~~ pesticide-use category 572
licenses to be issued under this section. A single license may 573
include more than one pesticide-use category. No individual shall 574
be required to pay an additional license fee if the individual is 575
licensed for more than one category, ~~but the individual shall pay~~ 576
~~an additional license fee for each pesticide application business~~ 577
~~location for which the individual is the commercial applicator of~~ 578
~~record.~~ 579

The fee for each license or renewal does not apply to an 580
applicant who is an employee of the department of agriculture. 581

(B) Application for a ~~custom~~ commercial applicator license 582
shall be made on a form prescribed by the director. Each 583
application for a license shall state the ~~license~~ pesticide-use 584
category or categories of license for which the applicant is 585
applying and other information that the director determines 586
essential to the administration of ~~sections 921.01 to 921.29 of~~ 587
~~the Revised Code~~ this chapter. 588

(C) If the director finds that the applicant is ~~qualified~~ 589
competent to apply pesticides and conduct diagnostic inspections 590
and that the applicant has passed both the general examination and 591
each applicable pesticide-use category examination as required 592
under division (A) of section 921.12 of the Revised Code, the 593
director shall issue a ~~custom~~ commercial applicator license 594
limited to the pesticide-use category or categories for which the 595
applicant is ~~qualified~~. ~~Custom applicators, upon obtaining a valid~~ 596
~~license under this section, are certified applicators for the~~ 597
~~purpose of applying or directly supervising the use of restricted~~ 598
~~use pesticides pertinent to their respective categories~~ found to 599
be competent. If the director rejects an application, the director 600
may explain why the application was rejected, describe the 601
additional requirements necessary for the applicant to obtain a 602

license, and return the application. The applicant may resubmit 603
the application without payment of any additional fee. 604

(D)(1) A person who is a commercial applicator shall be 605
deemed to hold a private applicator's license for purposes of 606
applying pesticides on agricultural commodities that are produced 607
by the commercial applicator. 608

(2) A commercial applicator shall apply pesticides only in 609
the pesticide-use category or categories in which the applicator 610
is licensed under this chapter. 611

Sec. 921.22 921.08. ~~Nonresident custom applicators, custom~~ 612
~~operators, public operators, and limited commercial applicators,~~ 613
~~and nonresident private applicators~~ who are licensed in another 614
state having a state plan approved by the United States 615
environmental protection agency to operate in certain 616
pesticide-use categories may be issued a license by the director 617
of agriculture covering the same categories in this state without 618
a ~~categorical~~ pesticide-use category examination. However, such 619
nonresidents may be required to demonstrate their knowledge of ~~the~~ 620
~~laws~~ this chapter and rules of ~~this state~~ adopted under it by 621
submitting themselves to an examination covering ~~such laws~~ this 622
chapter and those rules ~~contained and promulgated under this~~ 623
~~chapter. A nonresident custom operator can be licensed in this~~ 624
~~state only if his supervisor or employer is also licensed in this~~ 625
~~state. Private applicators certified in another state may operate~~ 626
~~in Ohio as do resident private applicators without also being~~ 627
~~certified in Ohio, except that they may be required to demonstrate~~ 628
~~their knowledge of the laws and rules of this state. Licenses or~~ 629
~~certificates~~ issued pursuant to this section may be suspended or 630
~~issued~~ pursuant to this chapter, or upon suspension or revocation 631
of the license ~~or certificate~~ of another state or the federal 633
government supporting the issuance of ~~an Ohio a~~ license ~~or~~ 634

certificate issued under this section. 635

Sec. ~~921.021~~ 921.09. (A)(1) No person shall own or operate a 636
pesticide ~~application~~ business without obtaining a license for 637
~~each location owned or operated by the person in the state~~ from 638
the director of agriculture. Licenses shall be issued for a period 639
of time established by rule and shall be renewed in accordance 640
with deadlines established by rule. 641

(2) A person applying for a pesticide business license shall 642
register each location that is owned by the person and used for 643
the purpose of engaging in the pesticide business. 644

(B) Any person who owns or operates a pesticide ~~application~~ 645
business outside of this state, but engages in the business of 646
applying pesticides to properties of another for hire in this 647
state, shall obtain a license for the person's principal 648
out-of-state location from the director. In addition, the person 649
shall register each location that is owned by the person in this 650
state and used for the purpose of engaging in the pesticide 651
business. 652

(C)(1) The person applying for a pesticide ~~application~~ 653
business license shall file a statement with the director, on a 654
form provided by the director, that shall include ~~any~~ all of the 655
following: 656

(a) The address of the principal place of business of the 657
pesticide business; 658

(b) The address of each location that the person intends to 659
register under division (A)(2) or (B) of this section; 660

(c) Any other information that the director determines 661
necessary and that the director requires by rule. ~~Each~~ 662

(2) Each applicant shall pay a license fee ~~of twenty dollars~~ 663
~~per year for each pesticide application business license the~~ 664

~~applicant is required to obtain~~ established by rule for the 665
pesticide business plus an additional fee established by rule for 666
each pesticide business registered location specified in the 667
application. The license may be renewed upon payment of a renewal 668
fee established by rule plus an additional fee established by rule 669
for each pesticide business registered location. A copy of the 670
license shall be maintained and conspicuously displayed at each 671
such location. 672

(3) The issuance of a pesticide business license constitutes 673
registration of any pesticide business location identified in the 674
application under division (C)(1) of this section. 675

(4) The owner or operator of a pesticide business shall 676
notify the director not later than fifteen days after any change 677
occurs in the information required under division (C)(1)(a) or (b) 678
of this section. 679

(D) The owner or operator of a pesticide ~~application~~ business 680
shall employ at least one ~~licensed custom~~ commercial applicator 681
for each pesticide ~~application~~ business registered location the 682
owner or operator owns or operates. 683

(E) The owner or operator of a pesticide ~~application~~ business 684
is responsible for the acts of each employee in the handling, 685
application, and use of pesticides and in the conducting of 686
diagnostic inspections. The pesticide ~~application~~ business license 687
is subject to denial, modification, suspension, or revocation 688
after a hearing for any violation of ~~sections 921.01 to 921.29 of~~ 689
~~the Revised Code, if it is determined that the owner or operator~~ 690
~~ratified or knowingly or negligently permitted any officer,~~ 691
~~employee, or agent to commit the violations~~ this chapter or any 692
rule adopted or order issued under it. The director ~~also~~ may levy 693
against the owner or operator any civil penalties authorized by 694
division (B) of section 921.16 of the Revised Code for any 695
violation of ~~sections 921.02 to 921.29 of the Revised Code for any~~ 696

~~violation of those sections this chapter or any rule adopted or 697
order issued under it that is committed by the owner or operator 698
or any by the owner's or operator's officer, employee, or agent. 699
For purposes of this division, an owner or operator is deemed to 700
have ratified violations committed by any officer, employee, or 701
agent if collectively the officers, employees, or agents commit 702
three violations of a high or moderate level of severity in 703
accordance with established department enforcement guidelines that 704
relate directly to the storage, preparation, handling, 705
distribution, or application of pesticides, or any violation 706
involving fraud, within a twenty-four month period. 707~~

~~(F) The director may modify a license issued under this 708
section by one of the following methods: 709~~

~~(1) Revoking a licensee's authority to operate out of a 710
particular pesticide business registered location listed under 711
division (C)(1)(b) of this section; 712~~

~~(2) Preventing a licensee from operating within a specific 713
pesticide-use category. 714~~

~~(G) The director may deny a pesticide application business 715
license to any current owner, operator, officer, or agent person 716
whose pesticide application business license has been revoked 717
within the previous thirty-six months. 718~~

~~(G) The director shall adopt any rules necessary to 719
administer and enforce this section (H) Each pesticide business 720
registered location that is owned by a pesticide business is 721
subject to inspection by the director. 722~~

Sec. 921.10. (A) The director of agriculture shall not issue 723
a pesticide application business license until the applicant has 724
submitted to the director an effective liability insurance policy 725
or such other evidence of financial responsibility as the director 726
determines necessary. The director shall establish by rule, in 727

accordance with Chapter 119. of the Revised Code, the amount and 728
condition of such liability insurance or other evidence of 729
financial responsibility required. Such requirements shall be 730
based upon the category and operation of the applicant. 731

~~(B) Should the evidence of financial responsibility expire 733
without renewal prior to the expiration of the license, the 734
license of the pesticide application business is automatically 735
suspended. 736~~

~~(C)~~ Should the evidence of financial responsibility furnished 737
become unsatisfactory, the pesticide ~~application~~ business shall 738
upon notice immediately execute evidence of financial 739
responsibility meeting the requirements of this section or 740
applicable rules, and should the pesticide ~~application~~ business 741
fail to do so, the director shall suspend the pesticide 742
~~application~~ business's license and give the business notice of 743
such suspension. 744

~~(D)~~(C) The licensee to whom a suspension order is issued 745
shall be afforded a hearing in accordance with Chapter 119. of the 746
Revised Code, after which the director shall reinstate or revoke 747
the suspended license. 748

~~(E)~~(D) Nothing in this chapter shall be construed to relieve 749
any person from liability for any damage to the person or lands of 750
another caused by the use of pesticides even though such use 751
conforms to the rules. 752

Sec. 921.11. (A)(1) No individual shall apply restricted use 753
pesticides unless the individual is one of the following: 754

(a) Licensed under section 921.06, ~~921.07, 921.08, or 921.12~~ 755
of the Revised Code; 756

(b) ~~A private applicator certified~~ Licensed under division 757

(B) of this section; 758

(c) A trained ~~serviceman~~ serviceperson who is acting under 759
the direct supervision of a ~~commercial~~ commercial applicator ~~or~~ 760
~~limited commercial applicator~~; 761

(d) An ~~employee or~~ immediate family member or a subordinate 762
employee of a ~~certified~~ private applicator who is acting under the 763
direct supervision of that private applicator. 764

(2) No individual shall directly supervise the application of 765
a "restricted use pesticide" unless ~~he~~ the individual is one of 766
the following: 767

(a) Licensed under section 921.06, ~~921.07, 921.08, or 921.12~~ 768
of the Revised Code; 769

(b) ~~A private applicator certified~~ Licensed under division 770
(B) of this section. 771

(B) The director of agriculture shall adopt rules to 772
establish standards and procedures for the ~~certification licensure~~ 773
of private applicators. An individual shall apply for 774
~~certification as~~ a private applicator license to the director, on 775
forms prescribed by the director. The individual shall include in 776
the application the pesticide-use category or categories of the 777
license for which the individual is applying and any other 778
information that the director determines is essential to the 779
administration of this chapter. The fee for each ~~certification is~~ 780
~~thirty dollars and the certification license shall be established~~ 781
by rule. Licenses shall be issued for a period is three years of 782
time established by rule and shall be renewed in accordance with 783
deadlines established by rule. If a ~~certification license~~ is not 784
issued or renewed, the state shall retain any fee submitted as 785
payment for reasonable expenses of processing the application. 786

(C) An individual who is licensed under this section shall 787
use or directly supervise the use of a restricted use pesticide 788

only for the purpose of producing agricultural commodities on 789
property that is owned or rented by the individual or the 790
individual's employer. 791

Sec. ~~921.09~~ 921.12. (A) The director of agriculture shall 792
require each applicant for a license under ~~sections~~ section 793
921.06, ~~921.07, 921.08, and 921.12~~ or 921.11 of the Revised Code 794
to be examined on the applicant's knowledge and competency in ~~the~~ 795
each of the following: 796

(1) This chapter and rules adopted under it; 797

(2) The proper use, handling, and application of pesticides 798
and, if the applicant is applying for a license under section 799
921.06 of the Revised Code, in the conducting of diagnostic 800
inspections in the pesticide-use categories for which the 801
applicant has applied. 802

(B) Each application for renewal of a license provided for in 803
section 921.06, ~~921.07, 921.08, or 921.12~~ of the Revised Code, 804
shall be filed prior to the deadline established by rule. If filed 805
thereafter after the deadline, a penalty of fifty per cent shall 806
be assessed ~~the custom applicator and the custom operator~~ and 807
added to the original fee and shall be paid by the applicant 808
before the renewal license is issued. However, if a license ~~or~~ 809
~~certification~~ issued under section 921.06, ~~921.07, 921.08, or~~ 810
921.12 of the Revised Code is not renewed within one year of the 811
date of expiration, ~~then such the~~ licensee ~~or certificate holder~~ 812
shall be required to take another examination on this chapter and 813
rules adopted under it and on the proper use, handling, and 814
application of pesticides and the proper conducting of diagnostic 815
inspections in the pesticide-use categories for which the licensee 816
has been licensed. 817

(C) A person who fails to pass an examination under division 818
(A) or (B) of this section is not entitled to an adjudication 819

under Chapter 119. of the Revised Code for that failure. 820

(D) The holder of a ~~custom applicator license, custom~~ 821
~~operator license, limited~~ commercial applicator license, ~~or public~~ 822
~~operator license~~ may renew ~~such~~ the license within one year of the 823
date of expiration without re-examination unless the director 824
determines that a new examination is necessary to insure that the 825
holder continues to meet the requirements of changing technology 826
and to assure a continuing level of competence and ability to use 827
pesticides safely and properly. 828

~~(D)~~(E) The director shall determine when re-examination for 829
~~recertification of the renewal of licenses for~~ private applicators 830
is required to insure that private applicators continue to meet 831
the requirements of changing technology and to assure a continuing 832
level of competence and ability to use pesticides safely and 833
properly. 834

Sec. 921.13. (A) Any person who is acting in the capacity of 835
a pesticide dealer or who advertises or assumes to act as a 836
pesticide dealer at any time shall obtain a pesticide dealer 837
license from the director of agriculture. Licenses shall be issued 838
for a period of time established by rule and shall be renewed in 839
accordance with deadlines established by rule. A license is 840
required for each location or outlet within this state from which 841
the person distributes pesticides. 842

Any pesticide dealer who has no pesticide dealer outlets in 843
this state and who distributes restricted use pesticides directly 844
into this state shall obtain a pesticide dealer license from the 845
director for the pesticide dealer's principal out-of-state 846
location or outlet and for each sales person operating in the 847
state. 848

The applicant shall include a ~~twenty-five dollar~~ license fee 849
established by rule with the application for a license. The 850

application shall be made on a form prescribed by the director. 851

Each pesticide dealer shall submit records to the director of 852
all of the restricted use pesticides the pesticide dealer has 853
distributed, as specified by the director, and duplicate records 854
shall be retained by the pesticide dealer for a period of time 855
established by rules. 856

(B) This section does not apply to ~~a custom applicator who~~ 857
~~exclusively sells pesticides only as an integral part of the~~ 858
~~custom applicator's pesticide application business when the~~ 859
~~pesticides are dispensed only through equipment used for the~~ 860
~~pesticide application or~~ to any federal, state, county, or 861
municipal agency that provides pesticides for its own programs. 862

(C) Each licensed pesticide dealer is responsible for the 863
acts of each employee in the solicitation and sale of pesticides 864
and all claims and recommendations for use of pesticides. The 865
pesticide dealer's license is subject to denial, suspension, or 866
revocation after a hearing for any violation of ~~sections 921.01 to~~ 867
~~921.29 of the Revised Code~~ this chapter whether committed by the 868
pesticide dealer or by the pesticide dealer's officer, agent, or 869
employee. 870

Sec. 921.14. ~~(A) Each licensed custom applicator, limited~~ 871
~~commercial applicator, and public operator~~ shall keep a record of 872
all both of the following: 873

(1) All diagnostic inspections conducted to determine 874
infestations of pests as required by rules adopted under division 875
(C) of section 921.16 of the Revised Code; 876

(2) All pesticide applications made by him the applicator and 877
by any trained serviceperson acting under the applicator's direct 878
supervision as required by rules adopted under division (C) of 879
section 921.16 of the Revised Code ~~and maintain that record.~~ 880

Each commercial applicator shall submit copies of the records required under division (A) of this section to the pesticide business, other business, state agency, or political subdivision that employs the commercial applicator. 881
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(B) Each pesticide business, other business, state agency, or political subdivision that receives copies of records under division (A) of this section shall retain them for a period of three years from the date of the pesticide application to which that record refers or for any longer period that the director of agriculture determines necessary time established by rule. 885
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(C) Each certified private applicator shall keep a record of all restricted use pesticide applications made by him the applicator or under his the applicator's direct supervision as required by rules adopted under division (C) of section 921.16 of the Revised Code and. In addition, each private applicator shall maintain that the record for a period of three years from the date of the restricted use pesticide application to which that record refers or for any longer period that the director of agriculture determines necessary. 891
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Each licensed custom applicator or custom operator shall keep a record of all diagnostic inspections to determine infestations of pests and of all pest control services as required by rules adopted under division (C) of section 921.16 of the Revised Code, and maintain that record for a period of three years from the date of the inspection to which that record refers or for any longer period that the director determines necessary. 900
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Sec. 921.16. (A) The director of agriculture shall adopt rules the director determines necessary for the effective enforcement and administration of ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter. The rules may relate to, but are not limited to, the time, place, manner, and methods of application, 907
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materials, and amounts and concentrations of application of 912
pesticides, may restrict or prohibit the use of pesticides in 913
designated areas during specified periods of time, and shall 914
encompass all reasonable factors that the director determines 915
necessary to minimize or prevent damage to the environment. In 916
addition, the rules shall establish the fees, deadlines, and time 917
periods for registration ~~and~~, registration renewal, late 918
registration renewal, and failure to register under section 921.02 919
of the Revised Code, and the fees, deadlines, and time periods for 920
licensure and license renewal under sections ~~921.021~~, 921.06, 921
~~921.07, 921.08, 921.12~~ 921.09, 921.11, and 921.13 of the Revised 922
Code, ~~and the deadlines for certification under section 921.11 of~~ 923
~~the Revised Code.~~ 924

(B) The director shall adopt rules that establish a schedule 925
of civil penalties for violations of ~~sections 921.01 to 921.29 of~~ 926
~~the Revised Code~~ this chapter, or any rule or order adopted or 927
issued under ~~those sections~~ it, provided that the civil penalty 928
for a first violation shall not exceed five thousand dollars and 929
the civil penalty for each subsequent violation shall not exceed 930
ten thousand dollars. In determining the amount of a civil penalty 931
for a violation, the director shall consider factors relevant to 932
the severity of the violation, including past violations and the 933
amount of actual or potential damage to the environment or to 934
human beings. 935

(C) The director shall adopt rules that set forth the 936
conditions under which the director: 937

(1) Requires that notice or posting be given of a proposed 938
application of a pesticide; 939

~~(2) Requires a permit to apply a restricted use pesticide;~~ 940

~~(3) Requires inspection, condemnation, or repair of equipment~~ 941
used to apply a pesticide; 942

~~(4)(3)~~ Will suspend, revoke, or refuse to issue any pesticide registration for a violation of ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter;

~~(5)(4)~~ Requires safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

~~(6)(5)~~ Ensures the protection of the health and safety of agricultural workers storing, handling, or applying pesticides, and all residents of agricultural labor camps, as that term is defined in section 3733.41 of the Revised Code, who are living or working in the vicinity of pesticide-treated areas;

~~(7)(6)~~ Requires a record to be kept of all pesticide applications made by each ~~licensed custom applicator, limited commercial applicator, and public operator~~ and by any trained serviceperson acting under the commercial applicator's direct supervision and of all restricted use pesticide applications made by each ~~certified private applicator~~ and by any immediate family member or subordinate employee of that private applicator who is acting under the private applicator's direct supervision as required under section 921.14 of the Revised Code;

~~(8)(7)~~ Determines ~~those the pesticide use~~ categories of applicators who conduct diagnostic inspections that must be conducted by a commercial applicator;

~~(8)~~ Requires a record to be kept of all diagnostic inspections or who offer pest control services that must be performed conducted by a certified each commercial applicator and for which written records are required and by any trained service person;

~~(9)~~ Specifies what constitutes direct supervision. The rules adopted under division (C)(9) of this section may allow direct supervision to be provided by wireless telephone or two-way radio.

The director shall review the rules adopted under division (C)(9) of this section every two years and revise them as necessary. 974
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(D) The director shall prescribe standards for the 977
~~certification licensure~~ of applicators of pesticides consistent 978
with those prescribed by the federal act and the regulations 979
~~adopted thereunder~~ under it or prescribe standards that are more 980
restrictive than those prescribed by the federal act and the 981
regulations adopted under it. The standards may relate to the use 982
~~and handling of pesticides or to the use and handling of the a~~ 983
~~pesticide or class of pesticide uses covered by the individual's~~ 984
~~certification, and shall relate to the hazards involved and the~~ 985
~~use experience to an individual's pesticide-use category.~~ 986

The director shall take into consideration standards of the 987
United States environmental protection agency. 988

(E) The director may adopt rules setting forth the conditions 989
under which the director will: 990

(1) Collect and examine samples of pesticides or devices; 991

(2) Specify classes of devices that shall be subject to this 992
chapter; 993

(3) Prescribe other necessary registration information. 994

(F) The director may adopt rules to designate, in addition to 995
those restricted uses so classified by the administrator of the 996
United States environmental protection agency, restricted uses of 997
pesticides for the state or for designated areas within the state 998
and, if the director considers it necessary, to further restrict 999
such use. 1000

(G) ~~The~~ Except as provided in division (D) of this section, 1001
the director shall not adopt any rule under ~~sections 921.01 to~~ 1002
~~921.29 of the Revised Code~~ this chapter that ~~meets either of the~~ 1003
following: 1004

~~(1) Permits any pesticide use that is prohibited by the federal act and regulations or orders issued thereunder;~~ 1005
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~~(2) As to certified applicators of restricted use pesticides as designated under the federal act, and rules adopted as to experimental use permits as authorized by the federal act, is inconsistent with the requirements of the federal act and regulations adopted thereunder.~~ 1007
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(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than human beings and other than bacteria, viruses, and other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment. 1012
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(I) The director may make reports to the United States environmental protection agency, in the form and containing the information the agency may require. 1017
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(J) The director shall adopt rules for the application, use, storage, and disposal of pesticides if, in the director's judgment, existing programs of the United States environmental protection agency, necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies. ~~The director may develop and enter into cooperative agreements with other state agencies for the purpose of developing and implementing voluntary or mandatory pesticide management plans that are designed to prevent unreasonable adverse effects on human health and the environment.~~ 1020
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(K) The director shall adopt rules establishing training requirements for a trained serviceperson. 1031
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(L) The director shall adopt all rules under ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter in accordance with Chapter 119. of the Revised Code. 1033
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Sec. 921.18. (A) The director of agriculture may:	1036
(1) Enter upon <u>In order to determine compliance with this</u>	1037
<u>chapter and rules adopted under it, enter</u> any public or private	1038
premises or transport vehicles during regular business hours in	1039
order to have access to <u>do any or all of the following:</u>	1040
(a) <u>Inspect and copy books, accounts, pesticide application</u>	1041
records, <u>contracts related to pesticide business activities,</u> and	1042
memoranda, pesticides, or devices, subject to the sections of the	1043
law and the rules thereunder for the purpose of determining	1044
pesticide applications, the financial responsibility of the	1045
applicator, the <u>documents;</u>	1046
(b) <u>Inspect the</u> storage or disposal of pesticides; also, to	1047
inspect	1048
(c) <u>Inspect</u> and sample pesticides in storage or in use, the	1049
disposal of pesticides, to inspect;	1050
(d) <u>Inspect</u> equipment or devices used to apply pesticides,	1051
and to make copies of records in conformity therewith;	1052
(e) <u>Inspect storage facilities and sites;</u>	1053
(f) <u>Inspect production areas of persons that manufacture</u>	1054
<u>pesticides for commercial purposes.</u>	1055
(2) Enter upon any public or private premises at any time,	1056
when or where pesticides are being applied to determine if the	1057
applicator is or should be certified or licensed, <u>or</u> if proper	1058
notice has been given before pesticide application, and to collect	1059
samples of pesticides being applied or available for use, and to	1060
inspect equipment or devices used to apply pesticides;	1061
(3) Enter upon any public or private premises at reasonable	1062
hours to inspect any property thereon, <u>or</u> to collect samples of	1063
vegetation or animal life, water, soil, or other matter, in order	1064

to determine residue levels, efficacy of application, or adverse 1065
effects of application, drift, or spillage; 1066

(4) Should the director be denied access to any premises 1067
where such access is sought for the purposes set forth in this 1068
section, ~~he may~~ apply to any court of competent jurisdiction for a 1069
search warrant authorizing access to such land for ~~said those~~ 1070
purposes. The court may, upon such application, issue the search 1071
warrant for the purposes requested. 1072

(B) When the director or ~~his~~ the director's authorized agent 1073
observes, or has reasonable cause to believe that a piece of 1074
equipment used by a ~~custom commercial applicator or operator, a~~ 1075
private applicator, or any other individual requires calibration, 1076
adjustment, or repair to enable it to perform satisfactorily, ~~he~~ 1077
the director may require such adjustment to be made immediately or 1078
issue a "stop operation" order pending repair to the equipment and 1079
~~he~~ the director may require a demonstration of it before 1080
cancellation or withdrawal of the stop operation order. 1081

(C) The director or the director's authorized agent may: 1082

(1) Issue an order to the owner or custodian of any lot of 1083
pesticide or a device requiring it to be held at a designated 1084
place when the director or the director's authorized agent has 1085
reasonable cause to believe that the pesticide or device has been 1086
distributed, stored, transported, or used in violation of ~~sections~~ 1087
~~921.01 to 921.29 of the Revised Code~~ this chapter, or any rule 1088
adopted thereunder. The pesticide or device shall be held until a 1089
release in writing is issued by the director, the director's 1090
authorized agent, or ~~by~~ a court order. No release shall be issued 1091
until ~~sections 921.01 to 921.29 of the Revised Code, this chapter~~ 1092
and the rules adopted thereunder are complied with. 1093

(2) If the owner or custodian is not available for service of 1094
the order upon ~~him~~ the owner or custodian, ~~the director may~~ attach 1095
the order to the pesticide or device and notify the owner or 1096

custodian, and the registrant. 1097

(D)(1) The director shall establish standards governing the 1098
development and implementation of integrated pest management 1099
practices that are designed to prevent unreasonable adverse 1100
effects on human health and the environment. 1101

(2) The director may enter into cooperative agreements with 1102
other state agencies for the implementation of voluntary or 1103
mandatory integrated pest management practices. 1104

Sec. 921.08 921.19. (A) Every state agency, municipal 1105
corporation, and every other governmental agency and political 1106
subdivision is subject to ~~sections 921.01 to 921.29 of the Revised~~ 1107
~~Code~~ this chapter and the rules adopted thereunder with respect to 1108
the application, handling, and use of pesticides. 1109

~~(B) No individual shall act as a public operator without~~ 1110
~~having a public operator license issued by the director of~~ 1111
~~agriculture. Licenses shall be issued for a period of time~~ 1112
~~established by rule and shall be renewed in accordance with~~ 1113
~~deadlines established by rule. The director shall by rule~~ 1114
~~classify, by categories, licenses to be issued under this section.~~ 1115

~~(C) An individual shall apply to the director for a public~~ 1116
~~operator license on a form prescribed by the director. Each~~ 1117
~~application for a license shall state the license category or~~ 1118
~~categories for which the applicant is applying, and any other~~ 1119
~~information that the director determines essential to the~~ 1120
~~administration of sections 921.01 to 921.29 of the Revised Code.~~ 1121

~~(D) After finding that the applicant is qualified, upon~~ 1122
~~payment of a twenty-dollar license fee per year, the director~~ 1123
~~shall issue a public operator license, limited to the category for~~ 1124
~~which the applicant is qualified. The license and renewal fee does~~ 1125
~~not apply to any applicant who is an employee of the department of~~ 1126
~~agriculture. If a license is not issued or renewed, the fee~~ 1127

~~submitted shall be retained by the state as payment for reasonable~~ 1128
~~expenses of processing the application. Public operators, upon~~ 1129
~~obtaining a valid license under this section, are certified~~ 1130
~~applicators for the purpose of applying or directly supervising~~ 1131
~~the use of restricted use pesticides pertinent to their respective~~ 1132
~~categories Each state agency, municipal corporation, and other~~ 1133
~~governmental agency and political subdivision is responsible for~~ 1134
~~the acts of each of its employees in the application, handling,~~ 1135
~~and use of pesticides.~~ 1136

Sec. ~~921.151~~ 921.22. The pesticide program fund is hereby 1137
created in the state treasury. All money in the fund shall be used 1138
to carry out the purposes of this chapter. The fund shall consist 1139
of fees collected under sections 921.01 to 921.15 of the Revised 1140
Code and all fines, penalties, costs, and damages, except court 1141
costs, ~~which~~ that are collected by either the director of 1142
agriculture or the attorney general in consequence of any 1143
violation of ~~sections 921.01 to 921.29 of the Revised Code. Not~~ 1144
~~later than the thirtieth day of June of each year, the director of~~ 1145
~~budget and management shall determine whether the amount credited~~ 1146
~~to the pesticide program fund is in excess of the amount necessary~~ 1147
~~to meet the expenses of the director of agriculture in~~ 1148
~~administering this chapter and shall transfer any excess from the~~ 1149
~~pesticide program fund to the general revenue fund this chapter.~~ 1150

Sec. ~~921.24~~ 921.23. The director of agriculture may suspend, 1151
~~pending inquiry prior to a hearing,~~ for not longer than ten days, 1152
~~and, after the opportunity for hearing, may deny, suspend, revoke,~~ 1153
~~refuse to renew, or modify any provision of any license, permit,~~ 1154
~~or certification registration issued pursuant to this chapter if~~ 1155
~~he the director finds that the applicant or the holder of a~~ 1156
~~license, permit, or certificate registration is no longer~~ 1157
~~qualified, has violated any provision of this chapter or rules~~ 1158

adopted under it, has been found guilty of violating the ~~Federal~~ 1159
~~Insecticide, Fungicide and Rodenticide Act~~ federal act, or has 1160
been convicted of a misdemeanor involving moral turpitude or of a 1161
felony. 1162

Sec. 921.25 ~~921.24~~. ~~It is unlawful for any~~ No person to shall 1163
do any of the following: 1164

(A) Apply, use, directly supervise such application or use, 1165
or recommend a pesticide for use inconsistent with ~~its~~ the 1166
pesticide's labeling, treatment standards, or other restrictions 1167
imposed by the director of agriculture; 1168

(B) ~~Except as provided in division (C) of this section, use~~ 1169
~~any pesticide~~ Act as a commercial applicator without being 1170
licensed or certified to do so or ~~being a trained serviceman under~~ 1171
~~the direct supervision of a commercial applicator or limited~~ 1172
~~commercial applicator;~~ 1173

(C) Use any restricted use pesticide, unless ~~certified~~ the 1174
person is licensed to do so, ~~acting as a trained serviceman under~~ 1175
~~the direct supervision of a commercial applicator or limited~~ 1176
~~commercial applicator,~~ is a trained serviceperson acting under the 1177
direct supervision of a commercial applicator, or ~~acting as is~~ an 1178
~~employee~~ or immediate family member or a subordinate employee of a 1179
private applicator under the direct supervision of that private 1180
applicator; 1181

(D) Refuse or fail to keep ~~and~~ or maintain records required 1182
by the director in rules ~~he adopts~~ adopted under ~~sections 921.01~~ 1183
~~to 921.29 of the Revised Code~~ this chapter, or to make reports 1184
when and as required by the director in rules ~~he adopts~~ adopted 1185
under ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter; 1186

(E) Falsely or fraudulently represent the effect of 1187
pesticides or methods to be utilized; 1188

(F) Apply known ineffective or improper materials;	1189
(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;	1190 1191
(H) Impersonate any federal, state, county, or municipal official;	1192 1193
(I) Make false or fraudulent records, invoices, or reports;	1194
(J) Directly supervise the use of any restricted use pesticide on the property of another without having a certified applicator in <u>Fail to provide training to trained servicepersons in the application of pesticides;</u>	1195 1196 1197 1198
(K) <u>Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;</u>	1199 1200
(K) Directly supervise the use of any general use pesticide on the property of another without having a licensed applicator in direct supervision	1201 1202 1203
(L) <u>Distribute a misbranded or adulterated pesticide;</u>	1204
(L) (M) Use fraud or misrepresentation in making application for a license or <u>certificate registration</u> or renewal of a license or <u>certificate registration</u> ;	1205 1206 1207
(M) (N) Refuse, fail, or neglect to comply with any limitation or restriction of a license <u>or registration</u> issued pursuant to sections 921.01 to 921.29 of the Revised Code <u>under this chapter</u> or rules adopted thereunder;	1208 1209 1210 1211
(N) (O) Aid or abet a licensee or another person in violating sections 921.01 to 921.29 of the Revised Code <u>this chapter</u> or rules adopted thereunder;	1212 1213 1214
(O) (P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	1215 1216
(P) (Q) Refuse or fail to comply with sections 921.01 to	1217

~~921.29 of the Revised Code~~ this chapter, the rules adopted 1218
thereunder, or ~~with~~ any lawful order of the director; 1219

~~(Q)(R)~~ Distribute restricted use pesticides to the ultimate 1220
user ~~or to an employee who is a commercial applicator at any time~~ 1221
without a pesticide dealer's license ~~or~~; 1222

~~(S)~~ Except as provided in division (F) of section 921.26 of 1223
the Revised Code, distribute restricted use pesticides to an 1224
ultimate user who is not ~~a certified applicator~~ licensed under 1225
~~sections 921.01 to 921.29~~ section 921.06, 921.08, or 921.11 of the 1226
Revised Code and rules adopted ~~thereunder~~ under this chapter; 1227

~~(R)(T)~~ Use any pesticide that is under an experimental use 1228
permit contrary to the provisions of ~~such~~ the permit; 1229

~~(S)(U)~~ Engage in fraudulent business practices ~~in the~~ 1230
~~application of pesticides, when licensed as a custom applicator~~; 1231

~~(T)(V)~~ Dispose of any pesticide product or container in such 1232
a manner as to have unreasonable adverse effects on the 1233
environment; 1234

~~(U)(W)~~ Display any pesticide in any manner to produce 1235
unreasonable adverse effects on the environment, or to contaminate 1236
adjacent food, feed, or other products; 1237

~~(V)(X)~~ Apply any pesticide by aircraft without being licensed 1238
as a commercial applicator; 1239

~~(Y)~~ Distribute a pesticide that is not registered with the 1240
director; 1241

~~(Z)~~ Fail to properly supervise a trained serviceperson. 1242

Sec. ~~921.26~~ 921.25. (A)(1) Whenever the director of 1243
agriculture has cause to believe that any person has violated, or 1244
is violating, ~~sections 921.01 to 921.29 of the Revised Code,~~ this 1245
chapter or any rule or order adopted or issued ~~under those~~ 1246

~~sections it, he the director~~ may conduct a hearing which shall be 1247
in accordance with Chapter 119. of the Revised Code to determine 1248
whether a violation has occurred. The Except as otherwise provided 1249
in division (A)(3) of this section, the director shall assess a 1250
civil penalty against any person who violates ~~sections 921.01 to~~ 1251
~~921.29 of the Revised Code, this chapter~~ or any rule or order 1252
adopted or issued under ~~those sections, it~~ in accordance with the 1253
schedule of civil penalties established in rules adopted under 1254
division ~~(A)(B)~~ of section 921.16 of the Revised Code. Each day a 1255
violation continues constitutes a separate and distinct violation. 1256

~~(2) In addition, the director may assess a civil penalty~~ 1257
~~against any employer of a person who violates sections 921.01 to~~ 1258
~~921.29 of the Revised Code, or any rule or order adopted or issued~~ 1259
~~under those sections, for the same violation for which he fines~~ 1260
~~the employee, if one of the following applies:~~ 1261

~~(a) With prior knowledge of the employee's act or omission~~ 1262
~~which constitutes the violation, the employer authorizes,~~ 1263
~~approves, or otherwise actively participates in the act or~~ 1264
~~omission;~~ 1265

~~(b) After the occurrence of the employee's act or omission~~ 1266
~~that constitutes the violation, the employer, with full knowledge~~ 1267
~~of the act or omission, ratifies it;~~ 1268

~~(c) The employer had knowledge that the act or omission of~~ 1269
~~the employee that constitutes the violation would occur to~~ 1270
assessing a civil penalty under division (A)(1) of this section, 1271
the director may deny, modify, suspend, revoke, or refuse to renew 1272
a license, permit, or registration issued under this chapter. 1273

(3) The civil penalty authorized under division (A)(1) of 1274
this section may be assessed against the employer of a person who 1275
violates this chapter or any rule adopted or order issued under it 1276
rather than against the person. 1277

Divisions (A)(1) ~~and~~, (2), and (3) of this section do not 1278
affect, and shall not be construed as affecting, any other civil 1279
or criminal liability of the employee or the employer that may 1280
arise in consequence of the employer's or the employee's violation 1281
of this chapter or any other law. 1282

~~(3)~~(4) If the person or employer ~~or employee~~ does not pay a 1283
civil penalty within a reasonable time after its assessment, the 1284
attorney general, upon the request of the director, shall bring a 1285
civil action to recover the amount of the penalty. 1286

(B)(1) In lieu of conducting a hearing under division (A) of 1287
this section, the director may refer the violation to the attorney 1288
general who, except as otherwise provided in division (B)(2) of 1289
this section, may bring a civil action against any person who 1290
violates ~~sections 921.01 to 921.29 of the Revised Code~~, this 1291
chapter or any rule or order adopted or issued under ~~those~~ 1292
~~sections~~ it. If the court determines that a violation has 1293
occurred, the court shall order the person to pay a civil penalty 1294
for each violation, not to exceed five thousand dollars for a 1295
first violation and not to exceed ten thousand dollars for each 1296
subsequent violation. Each day a violation continues ~~shall~~ 1297
~~constitute~~ constitutes a separate and distinct violation. 1298

~~(2) If the director refers a violation to the attorney~~ 1299
~~general under division (B)(1) of this section, the attorney~~ 1300
~~general, in addition, may bring a civil action against any~~ 1301
~~employer of a person who violates sections 921.01 to 921.29 of the~~ 1302
~~Revised Code, or any rule or order adopted or issued under those~~ 1303
~~sections. The court shall order the employer to pay a civil~~ 1304
~~penalty for the same violation for which the court orders the~~ 1305
~~employee to pay a civil penalty, if one of the following applies:~~ 1306

~~(a) With prior knowledge of the employee's act or omission~~ 1307
~~which constitutes the violation, the employer authorizes,~~ 1308
~~approves, or otherwise actively participates in the act or~~ 1309

omission; 1310

~~(b) After the occurrence of the employee's act or omission 1311
that constitutes the violation, the employer, with full knowledge 1312
of the act or omission, ratifies it; 1313~~

~~(c) The employer had knowledge that the act or omission of 1314
the employee that constitutes the violation would occur The civil 1315
action authorized under division (B)(1) of this section may be 1316
brought against the employer of a person who violates this chapter 1317
or any rule adopted or order issued under it rather than against 1318
the person. 1319~~

Divisions (B)(1) and (2) of this section do not affect, and 1320
shall not be construed as affecting, any other civil or criminal 1321
liability of the employee or the employer ~~which~~ that may arise in 1322
consequence of the employer's or employee's violation of this 1323
chapter or any other law. 1324

(C) In addition to the remedies provided and irrespective of 1325
whether or not there exists an adequate remedy at law, the 1326
director may apply to the court of common pleas for a temporary or 1327
permanent injunction or other appropriate relief against continued 1328
violation of ~~sections 921.01 to 921.29 of the Revised Code~~ this 1329
chapter. 1330

(D) The remedies available to the director and to the 1331
attorney general under ~~sections 921.01 to 921.29 of the Revised 1332
Code~~ this chapter are cumulative and concurrent, and the exercise 1333
of one remedy by either the director or the attorney general, or 1334
by both, does not preclude or require the exercise of any other 1335
remedy by the director, the attorney general, or a prosecutor as 1336
defined in section 2935.01 of the Revised Code, except that no 1337
person shall pay both a civil penalty under division (A) of this 1338
section and a civil penalty under division (B) of this section for 1339
the same violation. 1340

(E) If a person violates this chapter or rules adopted under 1341
it, both of the following apply: 1342

(1) The person is liable for the violation. 1343

(2) The employer of the person is liable for and may be 1344
convicted of the violation if the person was acting on behalf of 1345
the employer and was acting within the scope of the person's 1346
employment. 1347

Sec. ~~921.23~~ 921.26. (A) The penalties provided for violations 1348
of ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter do 1349
not apply to any of the following: 1350

(1) Any carrier while lawfully engaged in transporting a 1351
pesticide or device within this state, if that carrier, upon 1352
request, permits the director of agriculture to copy all records 1353
showing the transactions in the movement of the pesticides or 1354
devices; 1355

(2) Public officials of this state and the federal 1356
government, other than ~~public operators~~ commercial applicators 1357
employed by the federal government, the state, or a political 1358
subdivision, while engaged in the performance of their official 1359
duties in administering state or federal pesticide laws or rules, 1360
or while engaged in pesticide research; 1361

(3) The manufacturer or shipper of a pesticide for 1362
experimental use only by or under supervision of an agency of this 1363
state or of the federal government authorized by law to conduct 1364
research in the field of pesticides, provided that the 1365
manufacturer or shipper is not required to obtain an experimental 1366
use permit from the United States environmental protection agency; 1367

(4) The manufacturer or shipper of a substance being tested 1368
in which its purpose only is to determine its value for pesticide 1369
purposes or to determine its toxicity or other properties, and 1370

from which the user does not expect to receive any benefit in pest control from its use; 1371
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(5) Persons conducting laboratory research involving pesticides; 1373
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(6) Persons who incidentally use pesticides. The incidental use shall involve only the application of general use pesticides. If a person incidentally uses a pesticide, the pesticide shall be applied in strict accordance with the manufacturer's label for general use purposes. If further applications are necessary following the incidental use application, a pesticide applicator shall apply the pesticide. 1375
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(B) No pesticide or device shall be considered in violation of ~~sections 921.01 to 921.29 of the Revised Code~~ this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If the pesticide or device is not so exported, ~~the provisions of sections 921.01 to 921.29 of the Revised Code apply~~ this chapter applies. 1382
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(C) No person who is licensed, regulated, or registered under section 921.02, ~~921.021~~, 921.03, 921.06, ~~921.07~~, 921.08, 921.09, 921.11, ~~921.12~~, or 921.13, ~~or 921.15~~ of the Revised Code shall be required to obtain a license or permit to operate or to be otherwise regulated in such capacity by any local ordinance, or to meet any other condition except as otherwise provided by statute or rule of the United States or of this state. 1389
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(D) Section ~~921.06~~ 921.09 of the Revised Code ~~relating to a custom applicator~~ does not apply to an individual who uses only ground equipment for ~~himself~~ the individual or for ~~his~~ the individual's neighbors, provided that ~~he~~ the individual meets all of the following requirements: 1396
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(1) Is ~~certified as a private applicator if he uses a~~ 1401

~~restricted use pesticide licensed under section 921.11 of the~~ 1402
~~Revised Code;~~ 1403

(2) Operates farm property and operates and maintains 1404
pesticide application equipment primarily for ~~his~~ the individual's 1405
own use; 1406

(3) Is not regularly engaged in the business of applying 1407
pesticides for hire or does not publicly hold ~~himself~~ oneself out 1408
as a pesticide applicator; 1409

(4) Meets any other requirement established by rule. 1410

(E) ~~Sections Section~~ Section 921.06 ~~and 921.07~~ of the Revised Code 1411
relating to licenses and requirements for their issuance ~~do~~ does 1412
not apply to licensed physicians or veterinarians applying 1413
pesticides to ~~man~~ human beings or other animals during the normal 1414
course of their practice, provided that they are not regularly 1415
engaged in the business of applying pesticides for hire amounting 1416
to a principal or regular occupation or do not publicly hold 1417
themselves out as commercial applicators. 1418

(F) Division (S) of section 921.24 of the Revised Code does 1419
not apply to a pesticide dealer who distributes restricted use 1420
pesticides to a nonresident who is licensed in another state 1421
having a state plan approved by the United States environmental 1422
protection agency. 1423

Sec. 921.27. (A) If the director of agriculture has 1424
reasonable cause to believe that a pesticide or device is being 1425
distributed, stored, transported, or used in violation of ~~sections~~ 1426
~~921.01 to 921.29 of the Revised Code,~~ this chapter or of any of 1427
~~the prescribed~~ rules, it shall be subject to seizure on complaint 1428
of the director to a court of competent jurisdiction in the 1429
locality in which the pesticide or device is located. 1430

(B) If the article is condemned, it shall, after entry or 1431

decree, be disposed of by destruction or sale as the court may
direct and the proceeds, if ~~such the~~ article is sold, less legal
costs, shall be paid to the pesticide program fund created in
section ~~921.151~~ 921.22 of the Revised Code. The article shall not
be sold contrary to ~~the provisions of~~ this section. Upon payment
of costs and execution and delivery of a good and sufficient bond
conditioned that the article shall not be disposed of unlawfully,
the court may direct that the article be delivered to the owner
thereof for relabeling or reprocessing.

Sec. 921.29. Fines, penalties, costs, and damages assessed
against a person in consequence of violations of ~~sections 921.01~~
to ~~921.29~~ of the Revised Code this chapter, as provided in
~~sections 921.01 to 921.29 of the Revised Code~~ this chapter or any
other section of the Revised Code, shall be a lien in favor of the
state upon the real and personal property of the person, upon the
filing of a judgment or an order of the director of agriculture
with the county in which the real and personal property is
located. The real and personal property of the person shall be
liable to execution for the fines, penalties, costs, and damages
by the attorney general, who shall deposit any proceeds from an
execution upon the property in the pesticide program fund created
in section ~~921.151~~ 921.22 of the Revised Code.

Sec. 921.30. Nothing in this chapter or any rule adopted
under it shall be construed to require the director of agriculture
to report any findings to the appropriate prosecuting authority
for proceedings in prosecution of, or issue any order or institute
any enforcement procedure for, a violation of this chapter or a
rule adopted under it whenever the director believes that the
public interest will be best served by a suitable written notice
of warning. A person who receives a written notice of warning may
respond in writing to the notice.

Sec. ~~921.30~~ 921.31. On receipt of a notice pursuant to 1463
section 3123.43 of the Revised Code, the director of agriculture 1464
shall comply with sections 3123.41 to 3123.50 of the Revised Code 1465
and any applicable rules adopted under section 3123.63 of the 1466
Revised Code with respect to a license, ~~certificate~~ registration, 1467
or permit issued pursuant to this chapter. 1468

Sec. 921.99. (A) Whoever violates ~~sections 921.01 to 921.29~~ 1469
~~of the Revised Code~~ this chapter or rules adopted under ~~those~~ 1470
~~sections~~ it, except division (G) or ~~(O)~~ (P) of section ~~921.25~~ 1471
921.24 of the Revised Code, is guilty of a misdemeanor of the 1472
second degree on a first offense and a misdemeanor of the first 1473
degree on a subsequent offense. 1474

(B) Whoever violates division (G) or ~~(O)~~ (P) of section 1475
~~921.25~~ 921.24 of the Revised Code is guilty of a misdemeanor of 1476
the first degree on a first offense and a felony of the fourth 1477
degree on each subsequent offense. 1478

(C) No recovery of damages shall be allowed from 1479
administrative action taken or for "stop sale, use, or removal" if 1480
the court finds that there was probable cause for ~~such~~ that 1481
action. 1482

Section 2. That existing sections 907.42, 921.01, 921.02, 1483
921.021, 921.06, 921.08, 921.09, 921.10, 921.11, 921.13, 921.14, 1484
921.151, 921.16, 921.18, 921.22, 921.23, 921.24, 921.25, 921.26, 1485
921.27, 921.29, 921.30, and 921.99 and sections 921.07 and 921.12 1486
of the Revised Code are hereby repealed. 1487