

302 KAR 27:010. Definitions for 302 KAR Chapter 27.

RELATES TO: KRS Chapter 217B, 7 U.S.C. 136 et. seq.

STATUTORY AUTHORITY: KRS 217B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the department to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. This administrative regulation establishes the definitions that apply to 302 KAR Chapter 27, which implements the provisions of KRS Chapter 217B.

Section 1. Definitions.

(1) "Accident" means an unexpected, undesirable event caused by the use or presence of a pesticide that adversely affects man or the environment.

(2) "Agricultural commodity" means any plant or part thereof, or animals or animal products, produced:

(a) By farmers, ranchers, grape growers, plant propagators, Christmas tree growers, aquaculturists, orchardists, foresters, or other comparable persons; and

(b) Primarily for sale.

(3) "Agricultural fumigation":

(a) Means the application of pesticide gases or fumigants in an enclosed area used for the production, storage, or transportation of agricultural commodities or to the contents of any structure used for the production, storage, or transportation of agricultural commodities; and

(b) Does not mean the application of pesticide gases or fumigants to a structure for the purpose of controlling structural pests.

(4) "Application" means placing of a pesticide for effect, including mixing and loading.

(5) "Bulk fertilizer" means dry or liquid fertilizer in any unpackaged quantity.

(6) "Bulk pesticide" means a pesticide that is held in a nonmobile container in an undivided quantity greater than:

(a) 300 U.S. gallons of liquid measure; or

(b) 300 U.S. pounds of net dry weight.

(7) "Calibration" means adjustment of dispersal or output of application equipment to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

(8) "Certification" or "certified" means recognition by the department that a person has demonstrated a minimum level of competence by examination and continuing education units and is authorized to use or supervise the use of pesticides in the area of certification.

(9) "Common exposure route" means a probable manner (oral, dermal, or respiratory) by which a pesticide can reach or enter an organism.

(10) "Compatibility" means that chemical property of a pesticide that permits use with other chemicals without undesirable results being caused by the combination.

(11) "Competent" means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity, and the associated responsibility.

(12) "Continuing education unit" means one (1) contact instructional hour of fifty (50) minutes.

(13) "Department," unless otherwise specified, means the Kentucky Department of Agriculture.

(14) "Dicamba" means any 3,6-Dichloro-2-methoxybenzoic acid, inclusive of any variant formulation or product name.

(15) "Environment" means water, air, land, plants, man and other animals living therein, and the interrelationships that exist among them.

(16) "Faulty, careless, or negligent manner" means any act or omission, which has or can have, a deleterious effect on any person or property resulting from application or use of pesticides inconsistent with label instructions or standards established by 302 KAR Chapter 27 or KRS Chapter 217B.

(17) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.

(18) "Forest" means a concentration of trees and related vegetation in nonurban areas characterized by natural terrain and drainage patterns.

(19) "Hazard" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation with the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(20) "Host" means any plant or animal on or in which another plant or animal lives for nourishment, development, or protection.

(21) "Inactive status" means holding in reserve a license held by a person not actively engaged in pesticide sales or application.

(22) "Nontarget organism" means a plant or animal other than the one against which the pesticide is applied.

(23) "Practical knowledge" means the comprehension of and ability to see pertinent facts in dealing with specific problems and situations.

(24) "Private applicator" means a person certified to use any pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer, or to the lands of a farmer-neighbor, if applied without compensation other than trading of personal services between producers of agricultural commodities.

(25) "Protective equipment" means clothing or any other materials or devices that shield against unintentional exposure to pesticides.

(26) "Regulated pest" means an organism for which restrictions, administrative regulations, or control procedures are in effect to protect the host, man, or the environment.

(27) "Spot fumigation" means fumigation operations performed in special rooms, vaults, chambers, tanks, railroad boxcars, aircraft, or other enclosed areas of limited size, which are segregated so that the fumigation crews and other persons remain outside and are not exposed to toxic concentrations of the fumigants used.

(28) "Standard" means the level of knowledge and ability demonstrated as a requirement for certification.

(29) "State" means the Commonwealth of Kentucky.

(30) "Structural pests" means those pests that have the potential to invade structures or may cause damage to structures.

(31) "Structure" means any building, regardless of its design or type of construction, public or private, vacant or occupied.

(32) "Susceptibility" means the degree to which an organism is affected by a pesticide at a particular level of exposure.

(33) "Toxicity" means the property of a pesticide that causes any adverse physiological effects on a living organism. (28 Ky.R. 727; Am. 1362; eff. 12-19-2001; 45 Ky.R. 2437, 2877; eff. 5-3-2019.)