

302 KAR 28:030. Ornamental and interior plantscape posting.

RELATES TO: KRS Chapter 217B

STATUTORY AUTHORITY: KRS 217B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the Department of Agriculture to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. This administrative regulation establishes ornamental and interior plantscape posting requirements.

Section 1. Applicability. Any operator or applicator who applies pesticides to ornamentals or interior plantscapes shall:

(1) Immediately following application of pesticides to ornamentals or interior plantscapes, place a marker at a prominent location in the ornamentals or interior plantscapes. The sign shall read "PESTICIDES HAVE BEEN APPLIED - PLEASE STAY OUT OF TREATED AREA" in letters easily readable and not less than three-eighths (3/8) inches in height. The marker may also display a symbol depicting the required message and the name, logo, and service mark of the applicator. Posting requirements shall not apply if plants that are in interior plantscapes are taken off-site for pesticide application and not returned until the plants have adequately dried;

(2) Provide prior notification to the customer or adjoining residents in writing, in person, or by telephone if requested, of the date and approximate time of the application. If an operator is not able to provide prior notification to a customer or adjoining residence due to the absence or inaccessibility of the individual, the applicator shall leave a written notice at the residence; and

(3) Provide the customer with:

(a) The brand name, or common name, of the pesticide applied;

(b) The pesticide type;

(c) The fertilize rate and analysis;

(d) The reason for use;

(e) 1. The concentration of end use product applied to the ornamental or interior plantscape;

2. The rate of application; and

3. The total gallons of end use product applied;

(f) Any precautionary or hazard information appearing on the label as applicable to the end use concentration;

(g) The name and license or certificate number of the individual actually making the application; and

(h) Customer name, address, and date of application. (28 Ky.R. 740; Am. 1371; eff. 12-19-2001; 45 Ky.R. 2452, 2887; eff. 5-3-2019.)