

302 KAR 29:010. Definitions for 302 KAR Chapter 29.

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 the definitions which apply to 302 KAR Chapter 29, 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 humans or the environment.

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

(3) "Authorized agent" means a manager or license holder that is actively engaged in the company.

(4) "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.

(5) "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 his certification.

(6) "Children are present" means the designated time period between two (2) hours before the start time and forty-five (45) minutes after the dismissal time of the regularly scheduled school day as determined by the school authority under the calendar set by the school board.

(7) "Commercial structural applicator" means a certified applicator that, for compensation, uses or supervises the use of any pesticide on any structure or substandard structure as defined in subsections (45) and (46) of this section.

(8) "Commercial structural fumigation license" means a license issued to a person allowing him to engage in the business of using poisonous gases to control pests, general pests, and wood destroying organisms in structures.

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

(10) "Compatibility" means 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) "Conventional termite treatment" means treatment with a registered liquid termiticide, used according to label instructions.

(14) "Environment" means water, air, land, plants, humans and other animals living therein, and the interrelationships which exist among them.

(15) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

(16) "Graph" means a drawing of a structure that identifies the type of structure, provides an outline of the structure indicating approximate length and width and records current visible wood-destroying activity, any current visible wood-destroying damage, and treatment methods recommended.

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

(18) "Health care center" means hospitals, nursing homes, convalescent centers, clinics, medical centers, or any facility that provides overnight stay for the purpose of health care.

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

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

(21) "Integrated pest management program" means a strategy of controlling pests, general pests, and wood destroying organisms by combining biological, chemical, cultural, mechanical, and physical control methods in a way that minimizes economic, health, and environmental risks.

(22) "Kentucky State Plan" means the certification maintenance requirements and training courses approved by the department on recommendation of the Pest Control Advisory Board as set forth in 302 KAR 29:060.

(23) "Moisture control treatment" means a treatment applied under the structure which consists of a ventilation system, soil cover, liquid chemical treatment, or any combination of the above.

(24) "Negligent manner" means failure to use reasonable care in application or use of pesticides.

(25) "New employee" means a person who has not been previously trained for thirty (30) days pursuant to KRS 217B.560.

(26) "Noncommercial structural applicator" means a certified person who uses or supervises the use of any pesticide while making applications to any structure owned, occupied, or managed by him or his employer.

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

(28) "Notification" means information distributed to persons who request a notice of a pesticide application.

(29) "Operator in charge" means a person certified to apply fumigants and charged with the duty of overseeing the fumigation operation.

(30) "Outside areas":

(a) Means the property associated with commercial, industrial, or residential structures where a commercial structural pest control license holder, under KRS 217B.515(1)(a), is authorized to control pests, general pests, and wood destroying organisms by means other than "lawn chemicals" as defined by KRS 217B.300(1)(e); and

(b) Does not mean places where land use practices are turf sports, golf courses, or farming.

(31) "Partial termite treatment" means any treatment performed to selected areas of a structure.

(32) "Posted" means a sign measuring at least eight and one-half (8.5) inches by eleven (11) inches displaying the words "Pesticide Treatment Area" and "Do Not Enter" along with listing an identified time for re-entry after the pesticide application is made.

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

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

(35) "Registry" means a list, maintained by a school authority, of individuals that request advance notification of pesticide application.

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

(37) "Remote pesticide sales agent" means an individual located outside of the Common-

wealth of Kentucky who sells or distributes restricted use pesticides for delivery within the Commonwealth of Kentucky, or sells and makes recommendations for the use or application of pesticides to the final user accepting delivery within the Commonwealth of Kentucky.

(38) "Resident pesticide sales agent" means an individual located within the Commonwealth of Kentucky who sells or distributes restricted use pesticides or sells and makes recommendations for the use or application of pesticides to the final user.

(39) "School" means an institution for teaching children such as, but not limited to, pre-school, kindergarten, child day care centers, primary, and secondary schools.

(40) "School authority" means superintendent, assistant superintendent, principal, assistant principal, headmaster, or a designee.

(41) "Spot fumigation" means a fumigation operation performed for the control of structural pests or wood-destroying organisms in special rooms, vaults, chambers, tanks, railroad box-cars, barges, aircraft, or other enclosed areas of limited size, and which are segregated so that the fumigation crews and other persons remain outside and are not exposed to toxic concentrations of the fumigants used.

(42) "Standard" means the level of knowledge and ability which must be demonstrated as a requirement for certification.

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

(44) "Structural pest control license" means a license issued to a person allowing him to engage in the business of structural pest control.

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

(46) "Substandard structure" means those structures with less than fourteen (14) inches of clearance between the soil and the bottom of the floor joists in the crawl area, structures with wood-to-soil contact, or any other structures that cannot be treated according to label directions.

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

(48) "Termite baiting system" means a termite monitoring and control program that uses bait stations, according to label directions, to deliver toxicant to termites.

(49) "Termite pretreatment" means the application of an approved termiticide or baiting system, according to label directions, in new construction.

(50) "Toxicity" means the property of a pesticide that causes any adverse physiological effects to a living organism.

(51) "Unauthorized personnel" means any individual or individuals not belonging to, or a part of, the fumigating crew performing a fumigation operation. (28 Ky.R. 745; 1375; eff. 12-19-2001; 37 Ky.R. 112;684; eff. 9-8-2010; 42 Ky.R. 1327; 2063; eff. 2-5-2016.)