

**DEPARTMENT OF AGRICULTURE**  
**Office of Consumer and Environmental Regulation**  
**(New Administrative Regulation)**

**302 KAR 26:080. Lawn, turf, ornamental and interior plantscape notice 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 turf, ornamental, and interior plantscape posting requirements.

Section 1.

(1) Any operator or applicator who engages in lawn care by making applications to lawns shall:

(a) Provide a customer at the time of entering into a contract, with written information concerning pesticides or pesticide impregnated fertilizers, application procedures, and other general guidelines about making safe applications;

(b) Immediately following an application to a lawn, the applicator shall place a lawn marker at a prominent location in the lawn;

(c) The lawn marker shall consist of, at a minimum, a 4 in. x 5 in. white sign attached to the upper portion of a dowel or other supporting device of not less than twelve (12) inches in length;

(d) Lettering on the lawn marker shall be in a contrasting color and shall read on one side "LAWN CARE APPLICATION - PLEASE STAY OFF GRASS UNTIL DRY" in letters easily readable and not less than three-eighths (3/8) inches in height. The lawn marker may also display a symbol depicting the required message and the name, logo, and service mark of the applicator;

(e) The lawn marker shall be removed and discarded by the property owner or resident, or other person authorized by the property owner or resident, the day following an application;

(f) For applications to residential properties of three (3) families or less, the applicator shall place one (1) lawn marker per property; and

(g) For applications to properties other than residential property of three (3) families or less, the applicator shall place lawn markers at primary points of entry to the property to provide notice that an application has been made to the lawn.

(2) At the time of an application to a lawn, an applicator shall provide the information listed in subsection (1)(a) of this section to the customer, either homeowner or landlord, for each pesticides or pesticide impregnated fertilizers used.

(3) Any customer or employer of an applicator, or a neighbor whose residence is adjoining to a customer or employer of an applicator, may request prior notification twenty-four (24) to forty-eight (48) hours in advance of an application by contacting the applicator and providing his name, address, and telephone number. In this event, the applicator shall provide notification in writing, in person, or by telephone, of the date and approximate time of application. If an applicator is unable to provide prior notification to a customer or neighbor because of the absence or inaccessibility of the individual, the applicator shall leave a written notice at the residence.

Section 2.

(1) The following shall be required by an applicator making applications to a golf course relating to records, notification, and information requirements:

- (a) Immediately following an application on a golf course, the applicator shall place a golf course marker on the number-one (1) and number-ten (10) tees;
  - (b) The golf course marker shall consist of, at a minimum, a 4 in. x 5 in. white sign attached to the upper portion of a dowel or other supporting device of not less than twelve (12) inches in length;
  - (c) Lettering on the golf course marker shall be in a contrasting color and shall read on one side "PLANT-REGULATING MATERIALS HAVE BEEN APPLIED. IF DESIRED, YOU MAY CONTACT THE GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION" in letters easily readable and not less than three-eighths (3/8) inches in height. The golf course marker may also display a symbol depicting the required message and the name, logo, and service mark of the applicator;
  - (d) The golf course marker may be removed by the applicator or other personnel authorized by the golf course management the day following application;
  - (e) Any person whose residence directly adjoins a golf course may request prior notification of an application by contacting the golf course superintendent's office and providing his or her name, address, and telephone number. If requested, the golf course shall provide notification in writing, in person, or by telephone. In the event the golf course cannot provide advance notice, the person shall be contacted at the time of application. If the golf course is unable to provide prior notification or direct notification to a resident because of the absence or unavailability of the resident, the golf course shall leave a written notice at the residence; and
  - (f) Material safety data sheets for each pesticide or pesticide impregnated fertilizer used in an application shall be in an area of the superintendent's office where they can be easily read and accessible by patrons of the golf course.
- (2) Records listed in Section 5 of this administrative regulation shall be maintained in the golf course superintendent's office and shall be readily available to review on request. This record shall be retained for three (3) years and be subject to inspection by the department.

Section 3. Any applicator who makes an application to interior plantscapes shall:

- (1) Immediately following an application to interior plantscapes, place a marker at a prominent location in the 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 an application and not returned until the plants have adequately dried; and
- (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.

Section 4.

- (1) The following shall be required by an applicator making applications to sports turf relating to records, notification, and information requirements:
  - (a) Immediately following an application to turf on a sports field, the applicator shall place a marker at usual entry points to the field;
  - (b) The marker shall consist of, at a minimum, a 4 in. x 5 in. white sign attached to the upper portion of a dowel or other supporting device of not less than twelve (12) inches in length;

(c) Lettering on the marker shall be in a contrasting color and shall read on one (1) side "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;

(d) The marker may be removed by the applicator or other personnel authorized by the sports field management the day following application;

(e) Any person whose residence directly adjoins a sports field may request prior notification of an application by contacting the sports field manager's office and providing his or her name, address, and telephone number. If requested, the manager shall provide notification in writing, in person, or by telephone. In the event the sports field manager cannot provide advance notice, the person shall be contacted at the time of application. If the manager is unable to provide prior notification or direct notification to a resident because of the absence or unavailability of the resident, the manager shall leave a written notice at the residence; and

(f) Material safety data sheets for each pesticide used in an application shall be in an area of the manager's office where they can be easily read and accessible by patrons of the sports field.

(2) Records listed in Section 5 of this administrative regulation shall be maintained in the manager's office and shall be readily available to review on request. This record shall be retained for three (3) years and be subject to inspection by the department.

Section 5. An applicator shall provide the following information upon request to all persons requesting notice under Sections 1, 2, and 3 of this administrative regulation, and shall record and maintain at the applicator's business address the following information relating to the application of each pesticide used:

- (1) The brand name or common name of the pesticide applied;
- (2) The pesticide type;
- (3) The fertilize rate and analysis;
- (4) The reason for use;
- (5) The concentration of end use product applied;
- (6) The rate of application,
- (7) The total gallons of end use product applied;
- (8) Any special instruction appearing on the label of the pesticide product applicable to the use of the treated area following application;
- (9) Any other precautionary or hazard information appearing on the label as applicable to the end use concentration;
- (10) The name and the state applicator license or certificate number of the individual actually making the application;
- (11) Customer name, address, and date of application;
- (12) The location area of area treated; and
- (13) Total area treated.

Section 6. Violations. The department may assess civil penalties as provided by KRS 217B.193, or may suspend, revoke, delay issuing, or modify the provision of any license or registration issued under this chapter, if it finds that any person has committed any of the following acts, each of which is declared to be a violation of this chapter:

- (1) Failed to provide direct on-the-job supervision of a trainee by a licensed operator or applicator in the application of a pesticide;
- (2) Failed to maintain records required under Section 5 of this administrative regulation;
- (3) Failed to follow notification and information requirements in accordance with Section 1, 2, 3, or 4 of this administrative regulation, including:
  - (a) Failure to provide customer written information prior to application;

- (b) Failure to place required marker;
- (c) Failure to meet minimum requirements for required marker;
- (d) Failure to furnish customer required information at application; or
- (e) Failure to furnish prior notification of application when requested.

*DR. RYAN QUARLES, Commissioner*

APPROVED BY AGENCY: June 13, 2022

FILED WITH LRC: June 14, 2022 at 10 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 23, 2022 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601, phone (502) 330-6360, email [clint.quarles@ky.gov](mailto:clint.quarles@ky.gov).