

217B.300 Definitions -- Notification and information requirements -- Records.

- (1) The following definitions apply to this section:
 - (a) "Application" means the spreading of lawn chemicals in liquid or dry form on a lawn;
 - (b) "Applicator for hire" means any person who makes an application of lawn chemicals to a lawn for compensation, including applications made by an employee to lawns owned, occupied or managed by his employer;
 - (c) "Customer" means a person who makes a contract, either written or verbal, with an applicator for hire to apply a pesticide to a lawn;
 - (d) "Lawn" means land area covered with turf kept closely mown, except land areas used for agricultural production, commercial production of turf, or land situated within three (3) feet of the foundation of a structure when a pesticide is applied to this area as a preventive or control measure for structural pests;
 - (e) "Lawn chemicals" means fertilizers, pesticides, or defoliant applied or intended for application to lawns;
 - (f) "Structural pest" means a pest which commonly invades or attacks dwellings or structures; and
 - (g) "Turf" means the upper stratum of soils bound by grass and plant roots into a thick mat.
- (2) The following notification requirements shall be met:
 - (a) An applicator for hire shall provide a customer at the time of entering into a contract, with written information concerning lawn chemicals, application procedures, and other general guidelines about the safe use of lawn chemicals;
 - (b) Immediately following application of lawn chemicals 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 four (4) inch by five (5) inch 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 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 lawn chemicals have been applied to the lawn.

- (3) At the time of application of lawn chemicals to a lawn, an applicator for hire shall provide the following information to the customer, either homeowner or landlord, for each lawn chemical used, and shall record and maintain at the business address the following information relating to the application of each lawn chemical:
- (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) The concentration of end use product applied to the lawn, the rate of application, and the total gallons of end use product applied to the lawn;
 - (f) Any special instruction appearing on the label of the lawn chemical product applicable to the customer's use of the lawn following application and any other precautionary or hazard information appearing on the label as applicable to the end use concentration;
 - (g) The name and the state applicator license or certificate number of the individual actually making the application;
 - (h) Customer name, address, and date of application; and
 - (i) Total area of lawn treated.
- (4) Any customer of an applicator for hire, or a neighbor whose residence is adjoining to a customer of an applicator for hire, may request prior notification twenty-four (24) to forty-eight (48) hours in advance of an application by contacting the applicator for hire and providing his name, address, and telephone number. In this event, the applicator for hire shall provide notification in writing, in person, or by telephone, of the date and approximate time of application. If an applicator for hire 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.

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History: Amended 2000 Ky. Acts ch. 172, sec. 22, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 85, sec. 1, effective January 1, 1991.