

# **Who Regulates Pesticides Use and Distribution in Ohio?**

**James Belt**

**Ohio Department of Agriculture**

**(614)728-6389**

**[james.belt@agri.ohio.gov](mailto:james.belt@agri.ohio.gov)**

# When are Pesticide Applicators Required to be Licensed?

- Pesticide Applications Made For Hire
- Public Employees
- Daycare Employees
- School Employees
- College Employees
- Hospital Employees
- Food Establishment Employees
- Golf Course Employees
- And...

# Attention Apartment/Rental Owners & Managers

- Owners and employees of rental properties with **more than 4 apartment units at one location** are required to be licensed as Commercial Applicators in order to apply pesticides at those properties

# **Direct Supervision**

- **Non-Licensed Employee of Same Employer**
- **Trained Serviceperson Requirement**
- **Acting Under the Instructions and Control**
- **Located in Close Proximity**
  - **The Farther of 25 Miles or 2 Hours**
  - **With a Copy of Pesticide Label in the Absence of the Licensee**

# Exchange of Information

- If requested after a pesticide application, Pesticide Applicators shall provide to each customer **and resident of the applied property**, a legibly written statement of the **pesticide applied, the amount applied and the date of application**

# 8 Basic Record Requirements

- 1) Name of commercial applicator & trained serviceperson
- 2) Name and address of client
- 3) Date of application
- 4) Pests to be controlled
- 5) Location & method of treatment for each pesticide used
- 6) Pesticide name & EPA Registration #
- 7) Application concentration or dilution & total volume
- 8) Start and stop times

# Pesticide Business License

- No person shall own or operate a pesticide business without obtaining a license from the director of agriculture.
- Pesticide Businesses must have insurance that covers their use of pesticides.



# Pesticide Enforcement

- **Voluntary Compliance**
  - **Department wide Goal**
  - **Education and Compliance Assistance**





# Enforcement Options

- Criminal Prosecution
- Court Ordered Injunction
- License Revocation
- Civil Penalty
- Notice of Warning
- Field Notice of Warning

# Common Bedbug Complaints

- Pesticide Misuse
- Non Licensed Applicators
- Unable to Gain Control
- Human Exposure

# Prohibited Acts

- ORC 921.24(A) No person shall apply, use, directly supervise such application or use, or recommend a pesticide for use inconsistent with the pesticide's labeling

# Pesticide Labeling

- Pay Attention to Label Restrictions
- Re-Entry Restrictions
- Re-Treatment Restrictions
- Dilution Requirements
- General Information vs. Specific Site Labeling

# Investigation Summary

## ■ Case Scenario:

- Friday @ 10:00 a.m. Tenant from duplex called to complain about excessive treatment for bedbugs using Malathion**
- Inspector was immediately put in route to duplex because the applicator was to return for a second treatment in the afternoon**

# Additional Information

- After the 1<sup>st</sup> treatment the applicator told the tenant that he would have to kill him if he told him what he was applying
- This was the 3<sup>rd</sup> day in a row of 5 contracted days for treatment with 2 treatments each day



# Cincinnati Malathion



Lab results from both  
mattresses were positive  
for Malathion



# Cincinnati Malathion





# Cincinnati Malathion



# Misuse – Cincinnati Malathion

- Repeated treatment with Malathion – inconsistent with label use – not labeled for indoor use
- Non-Licensed Business & Applicator
- Human Health Issues
- Criminal Conviction by ODA
- USEPA Decontamination Study



# Case Scenario

- Bank was being preventatively treated for bedbugs as 2 employees allegedly had them at home...
- Treatment was being completed as employees were reporting for work and there was a very strong chemical odor
- Employees started having breathing issues and felt ill and the bank closed for several days

- **Labeled directions for use stated “Do not apply as a broadcast spray indoors” and “On furniture, do not apply to seating areas, arms or other areas where direct skin contact can occur”**



**ATTENTION!**



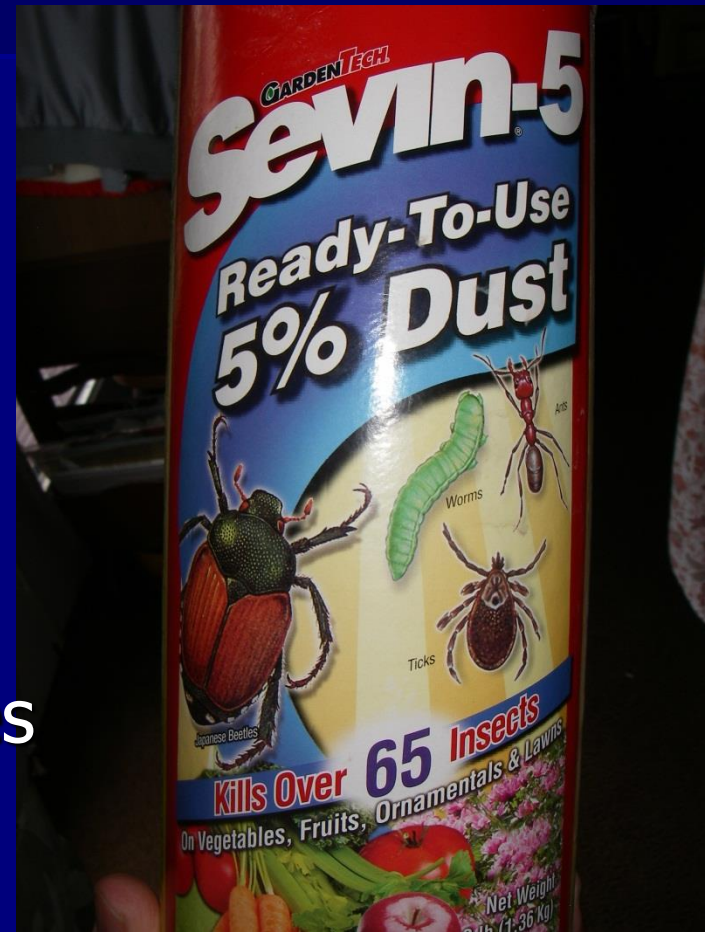
**VIDEO  
SURVEILLANCE**

# Case Summary

- Video showed broadcast application to entire floor and all seating surfaces
- \$5,000 civil penalty issued by ODA

# Misuse – Sevin Dust

- Grandparents used Sevin Dust to treat bedbugs ... “it worked for someone else”
- Two disabled uncles also living in the home





Clean up  
procedures?

# Probably not applied according to the Directions for Use



Picture provided by Ohio Exterminating



How about this one?



Picture provided by Ohio Exterminating



# Pesticide Distribution Concerns

- No person shall distribute a misbranded pesticide
- Distribute means to provide the pesticide to another person
- A pesticide is Misbranded if it's label does not include all Federally required information
- Only registered pesticide producing establishments can produce pesticides

# Major Distribution Concern

- Tenants often left pesticide product to use after the owner or owner's employee makes a pesticide application

# Is this Misbranded?



# **[www.agri.ohio.gov](http://www.agri.ohio.gov)**

- **Questions and Comments?**
- **James Belt (614)728-6389**
- **[jbelt@agri.ohio.gov](mailto:jbelt@agri.ohio.gov)**

