

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

**302 KAR 26:010. Definitions.**

RELATES TO: KRS Chapter 217B, 7 U.S.C. 136 et. seq.

STATUTORY AUTHORITY: KRS 217B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the department to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. This administrative regulation establishes the definitions that apply to 302 KAR Chapter 26, 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 man or the environment.
- (2) "Additional Training Dicamba" means any 3,6-Dichloro-2-methoxybenzoic acid, inclusive of any variant formulation or product name, that requires annual mandatory training pursuant to the product label.
- (3) "Agricultural commodity" means any plant or part thereof, or animals or animal products, produced:
  - (a) By farmers, ranchers, grape growers, plant propagators, Christmas tree growers, aquaculturists, orchardists, foresters, or other comparable persons; and
  - (b) Primarily for sale.
- (4) "Application" means placing of a pesticide or pesticide impregnated fertilizers for effect, including mixing and loading.
- (5) "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.
- (6) "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 certification.
- (7) "Compatibility" means that chemical property of a pesticide that permits use with other chemicals without undesirable results being caused by the combination.
- (8) "Competence" 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.
- (9) "Continuing education unit" means one (1) contact instructional hour of fifty (50) minutes.
- (10) "Customer" means a person who makes a contract, either written or verbal, with an applicator to make an application.
- (11) "Department," unless otherwise specified, means the Kentucky Department of Agriculture.
- (12) "Environment" means water, air, land, plants, man and other animals living therein, and the interrelationships that exist among them.
- (13) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.
- (14) "Forest" means a concentration of trees and related vegetation in nonurban areas characterized by natural terrain and drainage patterns.
- (15) "Golf course" means land, including a lawn, on which an application is made for the purpose of maintaining that land for use in the game of golf.

- (16) "Hazards" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation with the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.
- (17) "Interior plantscapes" means ornamentals in the interior of a building.
- (18) "In the business of" means the practice of charging a customer for a pesticide application, either as a whole or by a unit of area.
- (19) "Inactive status" means holding in reserve a license held by a person not actively engaged in pesticide sales or application.
- (20) "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.
- (21) "Lawn" means land covered with turf, including ornamental plants, maintained for the purpose of human use and enjoyment of outdoor areas.
- (22) "Lawn Care" means the use of pesticides to prevent, control, repel, or eliminate pests for the purpose of mitigating threats to the human use and enjoyment of outdoor areas.
- (23) "Non-certified applicator" means any person who has not been certified by training or examination and uses pesticides under the direct supervision of a private applicator.
- (24) "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.
- (25) "Ornamental" means trees, shrubs, and other plantings, except agricultural commodities, in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial, and institutional buildings.
- (26) "Outside areas" means the property associated with commercial, industrial, or residential structures where a commercial structural pest management license holder, under KRS 217B.515, is authorized to control pests, general pests, and wood destroying organisms by means other than chemicals used for lawn care or agricultural pests.
- (27) "Practical knowledge" means the comprehension of and ability to identify and use pertinent facts in dealing with specific problems and situations.
- (28) "Private applicator" means a person certified to use any pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer, or to the lands of a farmer-neighbor, if applied without compensation other than trading of personal services between producers of agricultural commodities.
- (29) "Protective equipment" means clothing or any other materials or devices that shield against unintentional exposure to pesticides.
- (30) "Regulated pest" means an organism for which restrictions, administrative regulations, or control procedures are in effect to protect the host, man, or the environment.
- (31) "Standard" means the level of knowledge and ability demonstrated as a requirement for certification.
- (32) "State" means the Commonwealth of Kentucky.
- (33) "Structure" means any building, regardless of its design or type of construction, public or private, vacant or occupied.
- (34) "Toxicity" means the property of a pesticide that causes any adverse physiological effects on a living organism.
- (35) "Turf" means the upper stratum of soils bound by grass and plant roots into a thick mat.
- (49 Ky.R. 191; eff. 10-20-2022.)

*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).