

Module 1 — Ohio Pesticide Law, FIFRA & Your Legal Duties

CORE exam · 8 practice questions · Who regulates what, the licence classes, direct supervision, penalties, and the legal duties the CORE exam tests hardest.

Key numbers & facts to memorise

Federal law	FIFRA — using a pesticide inconsistent with its labelling is unlawful
Ohio agency	Ohio Department of Agriculture (ODA), 614-728-6987
Conflicting rules	Follow the MORE restrictive requirement
Category 1 aerial	Application by aircraft — includes uncrewed aircraft
Supervision	Trained serviceperson: supervisor within 25 miles or available within 2 hours

The two-layer system: FIFRA on top, Ohio underneath

Pesticide regulation in the United States is a partnership. The **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**, administered by the U.S. EPA, is the foundation: it requires every pesticide sold in the country to be registered with EPA, assigns each product an **EPA registration number**, classifies products as **general use** or **restricted use**, and makes the approved labelling legally binding on the person who applies it. FIFRA is where the phrase "the label is the law" actually comes from — section 12 makes it unlawful to use a registered pesticide in a manner inconsistent with its labelling.

Ohio then layers its own programme on top through the **Ohio Revised Code Chapter 921** and the rules in **Ohio Administrative Code 901:5-11**. The **Ohio Department of Agriculture (ODA)** is the state lead agency: it registers products for sale in Ohio, licenses applicators and pesticide businesses, sets recordkeeping requirements, investigates complaints, and holds enforcement authority. A product legal under FIFRA still may not be applied in Ohio unless it also carries current **Ohio registration** — ODA maintains a searchable product database for exactly this check.

The practical rule the exam wants you to internalise: **when federal and state requirements differ, comply with the more restrictive one**. A federal label that permits something Ohio restricts does not give you permission. Likewise, nothing in state law can authorise a use the label prohibits. Applicators who get in trouble almost never do so from ignorance of an obscure statute; they do it by treating the label as advisory and assuming state rules are looser than federal ones.

Which licence you need, and why drone work is always commercial

Ohio distinguishes **private** applicators from **commercial** applicators. A private applicator applies restricted-use pesticides to land they own or rent, to produce an agricultural commodity. A **commercial applicator** licence is required if you apply pesticides to the property of another for hire, apply pesticides for any government agency (federal, state, county, township, city, village, or school district), apply to sites like schools, parks, golf courses, restaurants, food-processing plants, medical facilities and apartment complexes of more than four units, or conduct wood-destroying-insect inspections for real-estate transactions.

Two details catch people out. First, the licence requirement is not limited to restricted-use products — **general-use and even minimum-risk products** (cedar oil, garlic oil, corn gluten meal) trigger the commercial licence when applied in those situations. Second, ODA also requires the commercial licence if you apply a restricted-use pesticide on your **employer's** property, or apply any pesticide to public property. The trigger is the situation, not the toxicity of the jug in your hand.

For drone operators the conclusion is simple and non-negotiable: application by aircraft falls under **Category 1, Aerial Pest Control**, which ODA defines as "the application of pesticides by aircraft (includes both crewed and uncrewed aircraft)." Category 1 lives on the commercial side of the house. If you fly a spray drone over someone else's field — or over public ground — you need a commercial applicator licence carrying Category 1, and a copy of your pilot licence or **remote pilot certificate** must accompany the application.

Direct supervision and the trained serviceperson

Ohio law lets an unlicensed person — a **trained serviceperson** — make applications under the **direct supervision** of a licensed commercial applicator. This is a real, defined legal relationship, not a loophole. New employees must be trained **before their first occupational exposure** to pesticides, training is delivered by reading the "Safety Training Guide for Trained Servicepersons" (or equivalent), and verification of that training must be kept in personnel records during employment and for **three years after termination**.

The supervising applicator carries specific, testable obligations. They must demonstrate **instruction and control** over the trained serviceperson, must be **within 25 miles or available within two hours** while the serviceperson is applying, and must be **employed by the same company or public agency**. Note what this does not say: it does not require physical presence in the field. It does require reachability and genuine control — and the licensed applicator remains legally responsible for the application.

For aerial work, treat supervision narrowly regardless of what the general rule allows. The person at the controls of a spray drone is making dozens of application judgements a minute — droplet size, height, buffer distances, wind calls. The defensible arrangement, and the one insurers and ODA investigators expect to see, is that **the person flying holds the applicator licence**, with any helper confined to mixing, loading and ground support under supervision.

Enforcement, penalties and what an investigation looks like

ODA enforcement is complaint-driven far more often than it is random. A neighbour whose grapes cupped, a beekeeper who lost hives, a homeowner who smelled spray — any of these can open a file. Investigators typically request your application records, ask what product and rate you used, pull the label, ask about wind speed and direction at the time, and may sample foliage or soil. This is why a complete record written in the field on the day of application is worth more than any explanation offered weeks later.

Consequences escalate with severity and intent. ODA can issue civil penalties, and it can **suspend or revoke** an applicator or business licence — which, in a custom-application business, is an existential event mid-season. Knowing or repeated violations can carry criminal exposure under FIFRA. The most common triggers are entirely preventable: applying off-label (wrong site, above the maximum rate), allowing drift onto a neighbouring property, incomplete or missing records, and applying without the correct category on your licence.

Your obligations as a licensed applicator, stated plainly by OSU Extension, are worth memorising because they map directly to exam questions: read and follow the label; do not allow pesticides to contaminate or damage adjacent areas (prevent drift, clean up off-target dry product); apply only products registered both federally and in Ohio; hold the required business, location or solicitation licences; train and directly supervise any trained serviceperson; and keep records of every application.

Practice questions

Answer these closed-book, then check against the answer key that follows. Ohio requires 70% to pass.

1. Which statement best describes the relationship between FIFRA and Ohio pesticide law?

- A) Ohio law replaces FIFRA within Ohio
- B) FIFRA sets the federal baseline; Ohio adds its own requirements and you follow the more restrictive
- C) Federal law only applies to restricted-use pesticides
- D) Ohio law only applies to private applicators

2. A neighbour pays you to spray his soybeans with a general-use fungicide. In Ohio you need:

- A) No licence, because the product is general use
- B) A private applicator licence
- C) A commercial applicator licence
- D) Only a federal permit

3. How does ODA define Category 1, Aerial Pest Control?

- A) Application by crewed aircraft only
- B) Application of pesticides by aircraft, including both crewed and uncrewed aircraft
- C) Any application above 10 feet
- D) Application by helicopter only

4. A licensed commercial applicator supervising a trained serviceperson must be:

- A) Physically present at all times
- B) Within 25 miles or available within two hours, and employed by the same company
- C) Available by phone within 24 hours
- D) On the same county road

5. Verification of trained serviceperson training must be kept:

- A) For 30 days
- B) During employment only
- C) During employment and for three years after termination
- D) Permanently in a state database

6. Before applying a product in Ohio you must confirm it is:

- A) Registered federally only
- B) Registered in Ohio only
- C) Registered both federally (EPA) and in Ohio
- D) Approved by your county

7. "Using a pesticide in a manner inconsistent with its labeling" is:

- A) A recommendation to avoid
- B) A federal violation under FIFRA
- C) Allowed if you reduce the rate
- D) Only a problem for restricted-use products

8. Which is NOT one of the listed responsibilities of an Ohio licensed applicator?

- A) Keeping records of each application
- B) Preventing drift and cleaning up off-target dry product
- C) Guaranteeing pest control results in writing
- D) Training and directly supervising trained servicepersons

Answer key & explanations

1. B) FIFRA sets the federal baseline; Ohio adds its own requirements and you follow the more restrictive — FIFRA (administered by U.S. EPA) is the federal foundation; Ohio adds ORC 921 / OAC 901:5-11 administered by ODA. Where they differ, comply with the more restrictive requirement.

2. C) A commercial applicator licence — Applying pesticides to the property of another for hire requires a commercial applicator licence — the requirement is triggered by the situation, not by whether the product is restricted-use.

3. B) Application of pesticides by aircraft, including both crewed and uncrewed aircraft — ODA explicitly includes uncrewed (drone) aircraft in Category 1, and requires a copy of the pilot licence or remote pilot certificate with the application.

4. B) Within 25 miles or available within two hours, and employed by the same company — Ohio requires the supervisor to demonstrate instruction and control, be within 25 miles or available within two hours, and be employed by the same company or public agency.

5. C) During employment and for three years after termination — Training verification stays in personnel records during employment and for three years after the employee leaves.

6. C) Registered both federally (EPA) and in Ohio — Products must carry both federal EPA registration and current Ohio registration; ODA maintains a searchable Ohio product database.

7. B) A federal violation under FIFRA — It is unlawful under FIFRA. The whole label — sites, rates, restrictions, droplet and buffer statements — is enforceable.

8. C) Guaranteeing pest control results in writing — Efficacy guarantees are not a legal duty. Records, drift prevention, registered products, licensing, and supervision are.