

#2 Derek Spaxek

EXHIBIT 1

applicator shall take all reasonable precautions that will prevent a pesticide from being applied if unprotected persons are present within the application site or are present in adjacent areas when off-target drift may occur.

(l) A commercial applicator that is required to be licensed under the act, other than an aerial applicator, shall provide the following information, which shall be printed or affixed on the exterior of each vehicle that is used to transport a pesticide:

- (i) The name of the licensed applicator firm.
- (ii) The business telephone number, address, or United States department of transportation census number of the licensed applicator firm.
- (iii) The printed information must be legible and visible.
- (iv) The required information shall be in a typeface 3 inches high or larger.
- (v) The director may grant an exemption from the requirements of paragraphs (i) and (ii) of this subdivision upon petition by a licensed applicator firm.

(m) Any person who mixes, loads, or otherwise uses pesticides shall have immediate access to a spill kit. Aerial applicator spill kits shall contain not less than 2 buckets, absorptive pillows, or another system for containing leaking nozzles. The spill kit requirement does not apply to a person who uses single containers of use dilution pesticides in a quantity that is less than 16 ounces.

R 285.637.5 Registry of persons requiring notification before turf and ornamental application of pesticides.

Rule 5. (1) The department shall maintain a voluntary registry of persons who, due to a verifiable medically documented condition, require notification before the application of pesticides on a property that is adjacent to their primary residences. Upon request, the department shall annually register a person who requires notification before the use of pesticides. Each year, the person shall submit a valid certificate from a physician who is licensed to practice medicine. The certificate shall be on forms provided by the department and shall indicate the following information:

- (a) The current diagnosed condition or ailment of the person that specifies the need for notification.
- (b) Any recommended additional distance notification deemed necessary and substantiated by the physician. The physician's information shall include the recommended additional distance in feet.

(2) The certificate that is provided to the department pursuant to the provisions of subrule (1) of this rule shall be subject to review and approval by the department.

(3) Registration shall also include all of the following information on forms provided by the department:

- (a) Name, address, other than a post office box number, and telephone number of a person who requires notification.
- (b) Name, address, other than a post office box number, and telephone number of a designated contact person.

(c) A list of addresses of properties that are adjacent to the primary residence of the person requiring notification. Information shall be provided as follows:

- (i) Street address and occupant name, or designation as vacant lot, direction (N, S, E, W), and estimated street address from notification person's address.
- (ii) Designation of multiple dwelling units such as apartments or condominiums, if applicable.

- (iii) Designation as multiple use area or commercial property, if applicable.
- (d) A list of names and addresses of additional property owners as provided for in subrule (1)(b) of this rule. Information shall be provided as follows:
 - (i) Street address and occupant name, or designation as vacant lot, direction (N, S, E, W), and estimated street address from notification person's address.
 - (ii) Designation of multiple dwelling units such as apartments or condominiums, if applicable.
 - (iii) Designation as multiple use area or commercial property, if applicable.
- (4) The printed registry list shall remain confidential, to the extent permitted by law, except for the following information:
 - (a) Name, address, and telephone number of the designated contact person.
 - (b) Addresses of the adjacent properties or other properties as identified in subrule (1) (c) and (1) (d) of this rule.
 - (c) The address of a person who requires notification.
- (5) The individual requiring prior notification, or his or her designated contact person, shall obtain a copy of the annual list and ensure that the specific information provided to the department is accurate and a component of the list.
- (6) Initial applications may be submitted to the department at any time. Renewal registration forms supplied by the department shall be submitted annually on or before February 1. An applicant shall immediately notify the department of any address or contact person information change.
- (7) The department shall annually publish a list, by March 15, of nonconfidential information provided by persons who request notification. Listings shall be provided to all of the following entities:
 - (a) Commercial pesticide applicator firms that are licensed in categories which will require the firms to notify persons on the registry.
 - (b) County public health departments.
 - (c) Upon request, commercial applicators who are certified in a category that will require the applicators to notify persons on the registry.
- (8) Before a lawn or ornamental pesticide other than a general-use ready-to-use pesticide is applied on a property address listed on the most recent published registry, a commercial applicator shall notify the contact person on the registry. Notification shall take place before the application in accordance with all of the following provisions:
 - (a) By telephone the previous business day before a pesticide application or by written notification that is delivered in person to the residence of the listed contact person. Written notification shall include all information that is listed in subdivision (b) of this subrule and shall be left at the main entrance to the residence not less than 24 hours before application.
 - (b) Notification shall include all of the following information:
 - (i) Name, address, and telephone number of the commercial applicator or firm that makes the application.
 - (ii) Anticipated date and approximate time of the application.
 - (iii) Location of the application.
 - (iv) Name of the pesticide active ingredient or ingredients being applied.
 - (c) If the initial application date is postponed, new notification shall be issued before the next application as required by subdivision (a) of this subrule.
 - (d) The licensee's responsibility to notify a person who requires notification shall be considered discharged if any 1 of the following provisions is complied with:

(i) Telephone notification is attempted on the business day before application and, if unsuccessful, the applicator has left written notification at the person's residence at the time of application.

(ii) Written notification is delivered in person not less than 24 hours before application.

(iii) The applicator obtains written authorization from the contact person for alternate methods of notification.

(e) The registry shall be subject to annual review by the department.

(f) This rule shall not apply to applications of pesticides that are made through a closed injection system.

R 285.637.6 Mixing and loading facilities.

Rule 6. (1) Pesticide mixing or loading shall not occur at a mixing and loading facility unless the mixing or loading is in compliance with the provisions of this subrule. Mixing and loading shall only occur on a pad that is in compliance with all of the following requirements:

(a) The pad shall be constructed with impervious materials, such as sealed concrete, plastic, stainless steel, fiberglass or other approved materials.

(b) The pad shall be bermed, curbed, sloped, or otherwise designed to contain spills, leaks, releases, or other discharges that are generated during the mixing and loading of pesticides or pesticide-containing materials.

(c) Pesticides or pesticide-containing materials that are collected by the pad shall be contained either by the pad itself or drained, pumped, or transferred to an additional impermeable, aboveground holding tank or reservoir until utilized or disposed of in compliance with applicable local, state, and federal laws. The holding tank or reservoir shall be suitably constructed to prevent the release of pesticides or pesticide-containing materials to the environment.

(d) The pad or holding tank or reservoir shall be able to contain the amount of pesticide that could be discharged during 1 minute of mixing or loading.

(e) Mixing or loading pads which are located outdoors and which are not covered shall also meet either of the following criteria:

(i) Have the capacity to contain a 6-inch rainfall.

(ii) Be cleaned of all pesticide residues immediately after spills to prevent contaminants from entering rainwater runoff.

(f) Any portable pad or retractable pad that is stored in a manner to prevent the interception and subsequent runoff of pesticide-containing material shall not be subject to the provisions of subdivision (e) of this subrule.

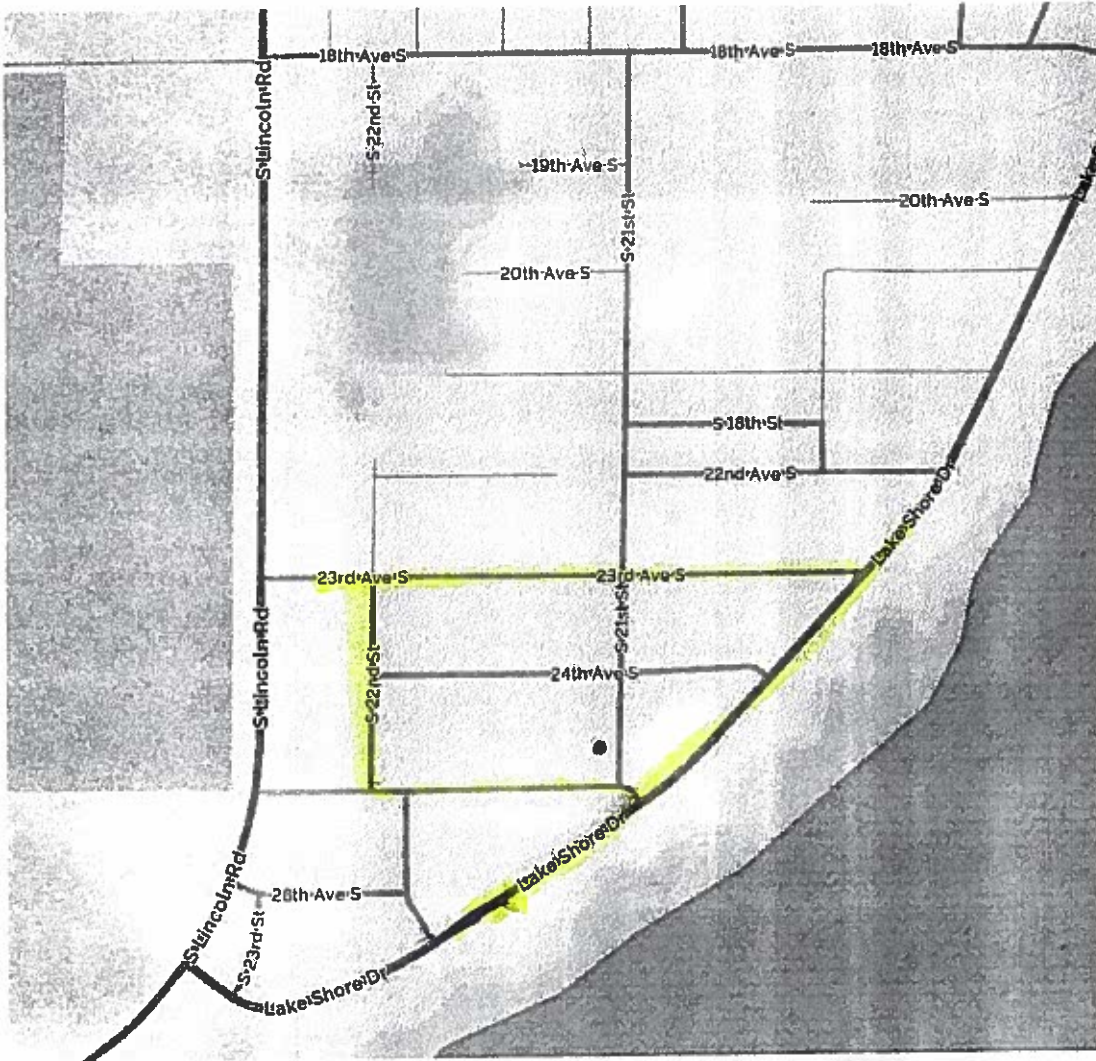
(g) The mixing or loading of pesticides shall not occur unless a primary shutoff mechanism is immediately accessible. In addition, an emergency shutoff mechanism shall be located upstream from the primary shutoff mechanism and shall be positioned to be fully operated within 30 seconds.

(h) The requirements of this rule shall not apply to hand-held equipment.

(2) A pesticide-producing establishment that is in compliance with the provisions of R 285.640.10 pertaining to operational area containment is exempt from the provisions of this rule.

(3) An agricultural mixing or loading facility that maintains a mixing and loading pad in accordance with the provisions of this rule is exempt from maintaining a second mixing and loading pad at a location where pesticides are mixed with anhydrous ammonia for a period of not more than 60 days in any calendar year.

Exhibit 2



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