



Fertilizer Certification Enforcement

ODA has received inquiries about enforcement of the Agricultural Fertilizer Applicator Certification Program from several stakeholders. The most frequently asked question is “What can happen if I apply fertilizer after September 30, 2017 and am not certified even though I should be?”

ODA typically strives to gain voluntary compliance instead of engaging in enforcement actions; however, the following five items would be available to ODA if necessary to gain compliance.

- 1. Conduct a non-certified applicator inspection.** If certification is required, ODA would inform the individual to cease applications until properly certified.
- 2. Issue a formal written notice of warning.** Ohio Revised Code (“ORC”) 905.502 states: Nothing in sections 905.31 to 905.502 of the Revised Code or rules shall be construed to require the director of agriculture to report any findings to the appropriate prosecuting authority for proceedings in the prosecution of, or issue any order or institute any enforcement procedure for, a violation of sections 905.31 to 905.502 of the Revised Code or rules when the director believes that the public interest will be best served by a suitable written notice of warning. A person who receives a written notice of warning may respond in writing to the notice.
- 3. Refuse to License or Certify Applicant.** ORC 905.45(A)(5) states:

(A) The director of agriculture may do any of the following upon a finding that a registrant, licensee, certificate holder, or applicant has violated any provision of sections 905.31 to 905.503 of the Revised Code or any rules:

(A)(5) Refuse to license or certify any applicant.
- 4. Initiate Litigation/Court Action.** ORC 905.48 states:

In addition to the remedies provided and irrespective of whether or not there exists any adequate remedy at law, the director of agriculture may apply to the court of common pleas in the county wherein any of the provisions of sections 905.31 to 905.503 of the Revised Code are being violated for a temporary or permanent injunction restraining any person from the violation.
- 5. Initiate Criminal Charges.** ORC 905.99 states:

Whoever violates this chapter or rules adopted under it is guilty of a misdemeanor of the third degree on a first offense, a misdemeanor of the second degree on a second offense, and a misdemeanor of the first degree on a third or subsequent offense.

