

Title 2. Agriculture
Chapter 1 - Agricultural Code
Oklahoma Poultry Waste Applicators Certification Act

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Section 10-9.16 - Short Title

Sections 16 through 21 of this act shall be known and may cited as the "Oklahoma Poultry Waste Applicators Certification Act".

Section 10-9.17 - Certificate Requirement

A. It shall be unlawful and a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) for any person to act, operate, or do business or advertise as a commercial poultry waste applicator or to land apply poultry waste as a private poultry waste applicator unless such person has obtained a valid applicator's certificate issued by the State Board of Agriculture.

B. Applicator's certificates shall be issued by the Board, to applicants who qualify under the provisions of the Oklahoma Poultry Waste Applicators Certification Act.

C. Certificates shall be issued only upon application therefor to the Board on a form of application prescribed by the Board. The application shall contain information regarding the applicant's qualifications and proposed operations and such other information as may be specified by the Board.

D. A certificate shall be issued only after satisfactory completion of such certification standards as determined by the Board.

E. 1. All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.

2. All private applicator certificates shall be in effect for five (5) years and may be renewed by application. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application. The Fifteen Dollar (\$15.00) registration and renewal fee shall be waived if the private applicator is also registered pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

3. All such fees shall be deposited in the Agriculture Regulation Revolving Fund to be used for the purpose of implementing the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma Poultry Waste Applicators Certification Act.

F. Any person issued an applicator's certificate shall comply with the provisions of subsection F of Section 10-9.5 of this title.

Section 10-9.18 - Annual Report of Certified Poultry Waste Applicator

A. Every certified poultry waste applicator shall file by December 31 of each year an annual report with the State Department of Agriculture regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year. Such report shall contain the following information:

1. The legal description and conservation district where the poultry waste was produced;
2. The legal description and conservation district where the poultry waste was land applied;
3. Date of each application;
4. Total and per acre amount of each application;
5. Name and address of the person for whom poultry waste was applied;
6. The most recent soil test results obtained; and
7. Such other information as may be required by the State Board of Agriculture.

B. The Department shall promulgate and make available forms to be used in making such report.

C. Applicators who seek to obtain a renewal certificate shall submit the report with their application for renewal. No renewal certificate may be issued without submission of this report.

D. The State Department of Agriculture shall provide such reports to the Oklahoma Conservation Commission. The Commission shall publish an annual report containing the following information:

1. The total amount of poultry waste produced in each conservation district; and
2. The total amount of poultry waste land applied by a certified applicator when land applied in each conservation district.

E. The Commission shall submit copies of the report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by March 1 of each year. Copies of such reports shall be made available to all federal, state and local cooperating agencies and to the general public.

Section 10-9.19 - Poultry Waste - Soil and Poultry Waste Tests - Records

1. Prior to any land application of poultry waste by a certified poultry waste applicator, the applicator shall obtain the most recent soil and poultry waste tests as required by the Oklahoma Poultry Waste Applicators Certification Act.

2. Land application of poultry waste in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall not be made at any rate which exceeds the most recently published United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards.

3. The State Department of Agriculture may promulgate rules pursuant to the Administrative Procedures Act which will prohibit the land application of poultry waste in nutrient-limited watersheds and nutrient-vulnerable groundwaters based upon lower soil phosphorous levels than are allowed in this section for non-nutrient-limited watersheds and non-nutrient-vulnerable groundwaters.

Section 10-9.19a - Land Application of Poultry Waste

Land application of poultry waste, whether performed by a private or commercial poultry waste applicator, shall comply at all times with the provisions set forth in:

1. The Animal Waste Management Plan, if application is conducted on land operated by a registered poultry operation; and
2. The Conservation Plan, if application is conducted on land operated by entities not regulated pursuant to the Registered Poultry Feeding Operations Act and is located in a nutrient-limited watershed.

Section 10-9.20 - Administration and Enforcement of Act's Provisions

A. The State Department of Agriculture shall administer and enforce the provisions of the Oklahoma Poultry Waste Applicators Certification Act and shall promulgate rules and standards for the application of poultry waste, work performance, the certification of applicators of poultry waste, recertification of applicators, procedures and best management practices.

B. The State Board of Agriculture shall have the authority to negotiate reciprocal agreements with the federal government or any state, or any department or agency of either for the purpose of fulfilling the intent of the Oklahoma Poultry Waste Applicators Certification Act.

C. The Department may take samples of poultry waste and soil at application sites in order to determine their concentration. The work of each applicator may be inspected at the application site of each applicator to determine whether or not the work is performed according to the provisions of the Oklahoma Poultry Waste Applicators Certification Act.

Section 10-9.21 - Suspension, Cancellation, Denial, or Revocation of Certificate - Reasons

A. Any certificate issued pursuant to the Oklahoma Poultry Waste Applicators Certification Act may be suspended, canceled, denied, or revoked by the State Department of Agriculture after notice and an opportunity to be heard has been given to the holder of the certificate.

B. Suspension, cancellation, denial or revocation of a certificate may be made if the Department finds the holder of the certificate:

1. Has used methods of poultry waste not suitable or safe for the land application site for which they shall have been employed;
2. Has failed or refused to furnish the Oklahoma Department of Agriculture, Food, and Forestry, upon request, true information regarding methods and safety measures used, work performed, or other information deemed essential by the Department, or has made any false statement or representation in such person's application for issuance or renewal of a certificate;

3. Has violated any state law, rule, or standard prescribed or order issued by the State Board of Agriculture;
4. Has failed or refused to file annual reports as specified in the Oklahoma Poultry Waste Applicators Certification Act;
5. Has failed to perform work according to minimum standards authorized by the Oklahoma Poultry Waste Applicators Certification Act;
6. Has acted, operated, done business, or advertised as a commercial applicator without having obtained a valid certificate issued by the Department;
7. Has acted or operated as a private applicator without having obtained a valid private poultry waste applicator certificate issued by the Department;
8. Has not complied with the provisions of subsection F of Section 10-9.5 of this title; or
9. Has been convicted in any court of a violation of the Oklahoma Poultry Waste Applicators Certification Act.