



## Private Applicator Pesticide Recordkeeping Requirements for Greenhouse and Nursery Operations

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Section 1491 of the Food, Agriculture, Conservation, and Trade Act (FACT Act) of 1990 established that all certified applicators of restricted use pesticides (RUPs) should be required to keep records of all RUP applications. Final rules for certified applicator recordkeeping became effective on May 10, 1993.

Since 1955, Oklahoma law has required that commercial and non-commercial pesticide applicators keep specific records for all pesticide applications. This requirement is intended to comply with federal requirements included in the Federal Insecticide, Fungicide, and Rodenticide Act. Several states have required private applicators to keep pesticide records. However, until now, private applicators have not been required to keep such records by federal law or by Oklahoma law.

### Pesticide Recordkeeping in the 1990 FACT Act - Congressional Intent

The 1990 FACT established the requirement for farmers to keep records of their Restricted Use Pesticide (RUP) applications. This includes RUP applications made by others such as commercial applicators or dealers.

The inclusion of a pesticide provision in the FACT Act reflects growing concern by the general public about such issues as pesticides in ground water, endangered species, farm worker health and safety, pesticide disposal, and pesticide residues in the food supply. In general, survey data is needed for research efforts and for policy directed at these kinds of issues.

The recordkeeping provision requires the USDA and EPA to survey the records kept by private applicators and maintain a comprehensive data base on RUP use. The data base is intended to facilitate statistical analyses for agronomic and environmental purposes. In addition, the USDA and EPA are required to publish annual reports of agricultural and non-agricultural use.

Making pesticide use records available to health care professionals is intended to address health and safety concerns. Specifically, if an individual requires treatment for pesticide exposure and treatment can be

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facilitated by access to such records, then they are to be made available to the medical professional. However, only certified licensed health care professionals may gain access to the records and they are prohibited from releasing any information which would reveal the identity of any agricultural producer for whom pesticides were applied. In the case of a medical emergency, record information is to be made available immediately.

### Recordkeeping Requirements

The rules state that all certified private applicators shall keep records of all applications of RUPs. In addition, all commercial applicators shall keep records of RUP applications. Commercial applicators must either provide copies of those records, within 30 days of the application, to the person for whom the RUP was applied or enter into an agreement with the customer to serve as the official recordholder for the customer.

### General Requirements

The following records are to be kept for all RUP applications:

- the brand or product name and the EPA registration number of the RUP that was applied;
- the total amount of the RUP applied;
- the location of the application;
- the size of the area treated;
- the crop, commodity, stored product, or site to which a RUP was applied;
- the month, day, and year on which the RUP application occurred;
- the name and certification number of the certified applicator who applied or who supervised the application of the RUP.

Locations of RUP applications may be recorded using any one of the following designations:

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# Pesticide Application Record

| Date <sup>a</sup><br>Mo./Day/Yr. | Product Name/<br>Manufacturer <sup>a</sup> | EPA Registration<br>Number <sup>a</sup> | Location<br>or House <sup>a</sup> | Size of<br>Area Treated <sup>a</sup> | Rate<br>(Circle One) | Total<br>Product Used |
|----------------------------------|--|---|-----------------------------------|--------------------------------------|----------------------|-----------------------|
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |
|                                  |  |   |                                   |                                      | oz lb pt qt gal      |                       |

a = Also required for Worker Protection Standard  
 Information in shaded columns is not required by law.



- county, range, township, and section (in sufficient detail to identify exact field location);
- an identification system utilizing maps and/or written descriptions which accurately identify location;
- an identification system established by a USDA agency, such as the FSA or NRCS, which uses maps and numbering systems to identify field locations;
- the legal property description.

### **Spot Treatment (Greenhouse/Nursery)**

Spot treatments of RUPs for greenhouse/nursery operations must be recorded the same as area treatments.

### **Additional Provisions**

Private applicators are required to record all RUP applications within 14 days of the application. In addition, all RUP application records are to be kept for a period of two years from the date of application. The records should be maintained in a manner that is accessible by authorized representatives.

As noted above, commercial applicators of RUPs are required to maintain the above information for all RUP applications. In addition, they are required to provide a copy of the records to the person for whom the RUP applications were made within set days of the application. Where owner/lessor arrangements exist, the rules state that copies of the records shall be provided to the individual who contracts with the commercial applicator to make the RUP application.

Recent changes in the rules allow commercial applicators to serve as the official recordholder for their customers. If a commercial applicator's customer signs a statement specifying that the applicator is the official recordholder, then the applicator can maintain the customer's records for the required two-year period.

Authorized representatives of federal and state agencies charged with implementing the pesticide recordkeeping and data collection provisions of the FACT Act should, after showing proper identification, be allowed to make copies of RUP application records. However,

the original copies of the records are to remain with the private or commercial applicators. In addition, private or commercial applicators may be asked by licensed medical professionals to provide record information and any available label information to assist in medical treatment or first aid in the case of exposure. Neither federal or state agency representatives nor medical professionals are allowed to release information obtained from private or commercial applicators that would identify, directly or indirectly, the identity of producers of commodities to which RUPs have been applied.

Penalties have been established for violation of the record keeping requirements. Any certified applicator who violates the requirements shall be subject to a civil penalty of not more than \$550 in the case of the first offense, and shall be subject to a civil penalty of not less than \$1,100 for each violation for subsequent offenses, except that the civil penalty shall be less than \$1,100 if the AMS Administrator determines that the certified applicator made a good faith effort to comply. Each RUP application for which no record is maintained could be viewed as a separate violation.

### **A Format for Pesticide Recordkeeping**

Inside this fact sheet is a table which can be used as one format for maintaining pesticide application records. This table includes several shaded columns for recording information not required by the law. These are additional kinds of information which producers may find useful.

The location column may be used to record exact location, such as a house or bench number, or to refer to a map. Recording target pest, method of application, and weather conditions, including air temperature, cloud cover, and media moisture, may prove useful to producers in evaluating pesticide effectiveness or responding to complaints. Recording days to reentry will provide assistance in meeting worker protection requirements and will enable producers to keep all important pesticide application information in a single location.

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