

PSEP Fact Sheet:

Record Keeping Requirements and Practices for Certified Commercial and Private Applicators

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Applicators of Restricted-Use Pesticides Recordkeeping Requirements

The Agricultural Marketing Service of the U.S. Department of Agriculture has implemented the National Pesticide Recordkeeping Program as mandated by the 1990 Farm Bill. The Pesticide Records Branch has developed answers to the most frequent questions asked concerning the recordkeeping requirements. The attached questions and answers are provided to assist in clarifying the regulations.

Why were these regulations implemented for pesticide recordkeeping?

The 1990 Farm Bill or the Food, Agriculture, Conservation, and Trade Act of 1990, subtitle H, section 1491 states that the Secretary of Agriculture in consultation with the administrator of the Environmental Protection Agency (EPA) “shall require certified applicators of **restricted-use pesticides (RUPs)**... to maintain records comparable to records maintained by commercial applicators of pesticides in each state.” Certified applicators include both commercial and private applicators. EPA currently requires certified commercial applicators to keep records under regulations implementing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA’s regulations do not require certified private applicators to maintain records. However, some individual states including Wyoming does require certified private applicators to maintain records and has the authority to perform audits of your records.

What is the difference between a certified commercial applicator and a certified private applicator?

A certified **private** applicator is defined as one who uses or supervises the use of a RUP for the purpose of producing any agricultural commodity on property owned or rented by the applicator or if applied without compensation, other than trading of personal services between producers of agricultural commodities on the property of another person. A certified **commercial** applicator is defined as one who uses or supervises the use of a RUP on property other than their own and receive payment for application.

Some examples of commercial applicators certified under categories such as forest, demonstration and research, ornamental and turf, industrial, institutional, structural and health-related, right-of-way, and seed treatment.



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What information would the certified applicator be required to maintain on a restricted-use pesticide?

The law requires you to record:

1. **The brand or product name of the restricted use pesticide and its EPA registration number.** (Federal law does not require that you record general use pesticide applications – only restricted-use pesticides.)
2. **The total amount applied.** Record the total quantity of product used – not the quantity after water or other substances were added. Amount does not refer to the percent of active ingredients. Use the pesticide labels for reference and record the amount in quantities similar to label language. For example, if the label states the pesticide is to be measured in pints or ounces, then record the amount in that measurement.
3. **The size of the area treated.** This information should be recorded in a unit of measure such as acre, linear feet, bushel, cubic feet, square feet, number of animals, etc., which is normally expressed on the pesticide label in reference to the application being made. For special applications such as alternate middles, weed wicks, or bank application, record the total area covered. For example, if an 80-acre grove is treated using an alternate middle approach, the entire 80 acres would be recorded as the “size of area treated.”
4. **The crop, commodity, stored product, or site** to which the pesticide was applied. Refer to the pesticide label for guidance if you are unsure how to record this information.
5. **The location of the application.** Record the location of the treated area, not the address of the farm or business. Your goal is to be able to identify the exact area of the application two years later if requested. The law allows any of the following designations: county, range, township, and section; maps or written descriptions; a USDA identification system such as those used by the Natural Resources Conservation Service or the Consolidated Farm Service Agency (formally SCS and ASCS), which involves maps and a numbering system to identify field locations; or the legal property description.

6. **The month, day, and year** of the application.
7. **The applicator’s name and certification number.** If the application was made by someone who is not certified, then record the name and number of the certified applicator who supervised the application.

How to record spot applications

If you apply restricted-use pesticides on the same day in a total area of less than one-tenth of an acre, you are required to record only the following: brand or product name; EPA registration number; total amount applied; month, day, and year of the application; identification of the application as a spot application; and a general description of the location (for example, “treated ant mounds in the lower creek pasture”) along with the words “spot application.”

This spot application provision excludes greenhouse and nursery applications, which are required to keep all of the data elements.

Additional requirements

The information must be recorded within 14 days following the pesticide application. It will be easier to accurately record the data if you record it promptly.

You must keep records for two years from the date of the pesticide application. There is no required form. Any method (handwritten, typed, or computer generated) is acceptable as long as the required data is included.

Records by commercial applicators If you hire a commercial applicator, note that the regulations require commercial application record within 30 days of the application.

Access to the record information is limited to: US-DA-authorized representatives who present identification; state-authorized representatives who present identification; and attending licensed healthcare professionals, or those acting under their direction, when treating individuals who may have been exposed to restricted-use pesticides.

Civil penalties

A certified applicator who violates any provision of the regulations will for the first offense be subject to a fine of not more than \$500 or for subsequent offenses be subject to a fine of not less than \$1,000 for each violation. The penalty shall be less than \$1,000 if the

administrator of USDA Agricultural Marketing Service or his or her designee determines that the certified applicator made a good faith effort to comply.

Recordkeeping requirements for Wyoming school districts

Wyoming statute 35-7-375 requires 72 hour notification for pesticide application (not only RUPs) in or on school property. The school must notify students, teachers and staff. This notification shall be marked with a distribution date and include information indicating;

- Month, day, and year of application
- Location of the application
- Pest to be controlled
- Name of the pesticide
- Type of pesticide to be applied
- Contact for additional information

These notices/records must retained by the school or school district for two (2) years.

Section 13. Reports and Records

Wyoming Statutes for Record Keeping

(a) Commercial applicators shall maintain and retain accurate and legible records of all pesticides applied during commercial applications for a period of two years.

(b) Certified commercial applicators who are involved in the commercial application of pesticides shall maintain office records giving such information with respect to:

- Name and address of person for whom the application was made, and if applicable, who purchased the pesticide(s)
- Location of the pesticide application
- Commodity or site treated
- Pest controlled
- Pesticide applied
- Brand name
- EPA registration number

- Amount of pesticide used
- Rate of application
- Method of application
- Date and time of application
- Weather conditions at the time of application
- Temperature
- Wind direction and velocity

Section 14. Required Practices for Commercial Applicators and Private Applicators

(a) Certified commercial applicators and private applicators shall notify the Wyoming Department of Agriculture of any change of business address within seven days.

(b) Prior to application shall inform the customer of the following items:

1. Pesticide(s) applied
2. Possible residue hazards
3. Any restricted entry periods
4. Any waiting periods prior to harvest
5. Application dates and times
6. Post-application label safety precautions
7. Other applicable label requirements (posting, worker protection)

Material taken from: Wyoming Applicator Certification Rules and Regulations. A complete set of rules and regulations is available from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002- 0100.

For additional information

You may obtain information on the Pesticide Record Keeping Programs website at www.ams.usda.gov/pesticiderecords. In addition, you may send questions/comments via email to amspesticide.records@usda.gov or written questions/comments to USDA/AMS/Pesticide Records Branch, 8606 Sudley Road, Suite 203, Manassas, VA 20110-4582.

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Private Applicator Record of Restricted-Use Pesticides

(Retain record for two years after application)

If spot treatment (less than 1/10 acre) application is made, write "spot" in "field size".

Name of Applicator _____ Applicator certification # _____

Application date _____ Crop, commodity or site protected _____

Pesticide brand/product name _____ Pesticide EPA registration # _____

Total amount of restricted use pesticide applied _____ Field size _____

Restricted-entry interval (REI) _____

Field location (choose one of four below):

_____ County/range/township/section _____

_____ ASCS/SCS ID system _____

_____ Legal property description _____

_____ ID system using map and/or written description _____

Field Map

Notes _____

Application starting time _____ Temperature _____

Crop stage of growth _____ Wind direction and speed _____

Target pest _____ Soil conditions (wet, dry, cloddy, etc.) _____

Pest stage of growth _____ Relative humidity (low, med., high) _____

Records of restricted-use pesticide applications can be kept in any format. They may be handwritten on individual notes or forms, consist of invoices, are computerized, and/or are maintained in record keeping books. Certified commercial applicators must provide their records of a restricted-use pesticide application within 30 days to the person for whom such an application was provided. They may provide a copy of records required by this Federal Register notice or a copy of their State/Federal record.

Source: Pesticide Education Office, University of Nebraska-Lincoln

Pesticide Application Notice

Distribution Date: _____

Date of Application: _____

Location of Application: _____

Name of Pesticide: _____

Type of Pesticide: _____

For More Information Contact: _____

The Wyoming statute 35-7-375 requires notice be provided to students, teachers and staff not less than 72 hours before application and this information be retained by the district for 2 years.

Email records of the 72 hour notice may be one way of retaining this information.

This notice template is available on the website "Wyoming School IPM" www.uwyo.edu/ipm