

Record Keeping Requirements For Spray Applications

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Keeping a record of pesticide applications is an important practice for greenhouse growers to maintain. Records allow you to check the effectiveness of pesticide applications and can save you money by improving your control practices. Furthermore, new EPA regulations require that applicators of restricted use chemicals maintain records of all applications.

The new EPA requirements are an extension of earlier laws governing commercial applicators which came into effect in the late 1970's. These new regulations now apply to private applicators as well. (It should be noted that most greenhouses that apply pesticides only for their own use are categorized as a *Private Applicator*. Those firms who apply pesticides for hire (i.e. Farm Bureau Co-op, Chemlawn, etc.) are considered *Commercial Applicators*.) Requirements are not too cumbersome to comply with, and the information required on the record keeping form should help you make pest control decisions. The sample form enclosed in this mailing, which you can photocopy, can be used to record all of the required information. These forms need to be filled out within 30 days of the application and should be kept for a minimum of two years. Below is a summary of the new regulations from the Office of the Indiana State Chemist (OISC).

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Interpretive Summary of Requirements and Revisions to 355 IAC 4-4. (April 14, 1993)

This summary and interpretive guidance relates to the enclosed proposed rule dated March 25, 1993. It is suggested that both the summary and the proposed rule be reviewed in their entirety for a full understanding of the recordkeeping requirement.

Section 1

* Information items to be kept as part of the record by commercial applicators is the same as the existing

requirements with the addition of the need to record the formulation type (i.e. EC, WP, DF, G) when it is identified as part of the product brand name.

* The records must be created within 30 days of the application. Previously no clear time period had been established for creating the final record.

* Restricted use pesticide (RUP) use records need not be kept on a separate form or separately from customary sales invoices as was previously required. However, use of a separate form is certainly acceptable. The records must be kept "collectively" which means that the record for each application of each RUP contain all of the informational items listed in Section 1(a) and that this record be maintained in one predetermined location. For example, during inspections OISC investigators/inspectors would expect the following:

A. The applicator, owner, manager, secretary, or person in charge at the custom application facility should be able to produce upon request at the location, written or electronic documents containing all of the required information.

B. If the complete records consists of more than one document (i.e. the customer invoice coupled with the applicators spray log) then those documents must be attached together or if maintained separately (i.e. separate files) the person in charge must be able to readily pull these separate documents together, creating a complete record for the application(s).

C. Maintaining part of the required record in the office and part of the record on the spray rig(s) or on the pesticide label on a container in the warehouse will no longer be considered to be in compliance with the requirement.

* Commercial applicators must now provide a copy of the complete RUP application record to their customers (usually farmers) within 30 days of the application. While hand delivering or mailing a copy is perfectly acceptable, "provide a copy" may also mean that the commercial applicator, by prearranged agreement between himself and his customer, keeps a copy of the record in the customer's file at the dealership for at least the required two years and makes a copy of the

record available to the customer if and when asked.

Section 1.5

* Records are to be kept by the private applicator (greenhouse grower) applying RUP for himself. This requirement is new. The records to be kept are the same as for commercial applicators as outlined in Section 1.

* Records should contain the following information:

1) Address or location description of site of application (i.e. greenhouse 1, etc.).

2) Name and certification number (or certification number of the supervising certified applicator) of the person(s) making the application.

3) Date of application (month, day, year).

4) Type of plants, crop, animals, commodity, stored product, or site(s) treated and principal pest(s) to be controlled.

5) Acreage, area, or number of plants or animals treated or other appropriate description.

6) Pesticide applied including name of the manufacturer, EPA registration, brand name, and (including formulation if specifically identified in the brand name).

7) Amount used - expressed as either:

(a) concentrate - give total quantity of formulation applied (pounds, gallons, etc.),

(b) dilute mixture (ready to use) - give total amount applied and active ingredient concentration (%).

* These records are also to be kept for at least two years and to be used by the private applicator to respond to pesticide use surveys conducted by the USDA.

* The records must be created within 30 days of the application.

* Records need not be kept on a special form, but use of the form designed for this purpose is certainly acceptable. The same interpretation of the term "collectively" which applies to the commercial applicator requirement above also applies to the private applicator. For example, a private applicator may use a combination of field notes and other documents to

make up his records. This is acceptable as long as all of the required informational items are present and the private applicator can readily pull the information together for each application.

Section 2

* In addition to the OISC, the records must upon request also be made available to licensed health care professionals who are treating pesticide exposure patients.

Inspection and Enforcement

* OISC does not anticipate becoming involved in a large scale records inspection program. However, we will continue to inspect records as part of our ongoing routine inspections and complaint follow-up investigations.

* Most recordkeeping violations will be handled at the state level with enforcement ranging from warnings and citations to civil penalties (from \$0 to \$100 per violation for private applicators and \$0 to \$200 per violation for commercial applicators) to pesticide certification, permit, and license suspension or revocation.

The memo tried to address most of the major provisions of this regulatory requirement and the various issues that have arisen during the development of this rule over the past year. However, it is anticipated that additional questions will arise, especially during the first season or so of implementation. Specific questions about the requirements or request for recordkeeping forms or guidelines may be directed to your local Cooperative Extension Service office or to David Scott, Pesticide Administrator, Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry Bldg., West Lafayette, IN 47907-1154, (317) 494-1492.

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