

Pesticide Recordkeeping Requirements for Private Applicators

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Introduction

The Food, Agriculture, Conservation and Trade (FACT) Act of 1990, commonly referred to as the 1990 Farm Bill, requires private pesticide applicators to keep records of restricted-use chemicals they apply. This law went into effect May 10, 1993.

This law is administered by the US Department of Agriculture's Agricultural Marketing Service (USDA-AMS). Through grants from USDA-AMS, the Tennessee Department of Agriculture (TDA) surveys farms to determine whether farmers are keeping records of their pesticide application.

Private Applicators

A private applicator is someone who uses pesticides classified as restricted-use on the farm, in the greenhouse or in nursery settings. All other applicators of restricted-use pesticides are classified as commercial applicators and commonly apply pesticides as a fee-based service.

Importance of Recordkeeping

Recordkeeping is very important. It is a part of good integrated crop management practices. Good records can improve insect, disease and weed control; avoid crop problems; improve your bottom line (profit); and help keep effective chemicals available in the future. Many farmers kept records long before it was required by law. If you have not been keeping records, now is the time to start. It is required by law for restricted-use pesticides.

However, good management also dictates that you keep records of all pesticide applications.

The records of restricted-use pesticide applications must be maintained for two years. A label on the front of a pesticide indicates whether or not it is restricted use.

The regulations do not require the use of a standardized form; however, the USDA-AMS has a recordkeeping manual available with information on recordkeeping and forms that may be used. These forms are accessible on the following website:

ams.usda.gov/pesticiderecords. Also, Form 808 has been developed by UT Extension for the convenience of farmers. This form addresses the requirements of USDA and the Worker Protection Standards (WPS). An example of this form is given at the end of this publication. It may also be found on the Pesticide Safety Education website at psep.utk.edu.

To keep accurate records, it is strongly suggested that your information be recorded immediately following application or at the end of the day; however, the law requires that it be recorded within 14 days following the pesticide application. Requirements for private applicator records must contain the following information:

- Product name
- EPA registration number
- Total amount applied
- Date of application (Mo/Da/Year)
- Crop/Commodity/Site of Application
- Size of treatment area
- Name of applicator
- Certification number of applicator

Other regulations, such as Worker Protection Standards, require pesticide application records to be maintained for two years from the expiration date of the re-entry interval (REI) of the pesticide applied as well as additional information. Pesticide records must be maintained for any covered use of a WPS-labeled pesticide for either general-use or restricted-use pesticides (even if state or tribal laws do not require pesticide recordkeeping).

Accessing Application Records

A private applicator's records can be inspected at any time by authorized representatives of the US Department of Agriculture and state pesticide regulatory agencies who present identification. In addition, a licensed healthcare professional, or someone working under a licensed healthcare professional's supervision, can request the record information at any time following an application when treating individuals who may have been exposed to pesticides.

A licensed healthcare professional is defined by USDA as a physician, nurse, emergency medical technician or other qualified individual who is licensed or certified by a state to provide medical treatment.

Penalties

Any private applicator who violates the recordkeeping requirements of the USDA shall be subject to a civil penalty of not more than \$750 in the case of the first offense and not less than \$1,100 for any subsequent offense.

Summary

This fact sheet includes the requirements for private applicator recordkeeping. These requirements are different from those for commercial applicators, which are discussed in "SP 363-G: Pesticide Recordkeeping Requirements for Commercial and Licensed Applicators and Dealers." Extension Form 805 includes these requirements and is also available from UT Extension.

Many individuals use computer spreadsheets to enter pesticide application data into a form. Various computer programs and device applications are available from private industries and/or universities and may provide the required information fields that are commonly reviewed by federal and/or state regulators.

QUICK REFERENCE CHART FOR PESTICIDE RECORDKEEPING REQUIREMENTS FOR PRIVATE APPLICATORS

Required Items	Restricted Use Pesticides USDA- Requirement for Certified Private Applicators	Agricultural Use Pesticides EPA- WPS Requirements for Agricultural Employers
Applicator Legal Name	✓	NR*
Applicator Certification Number	✓	NR
Date of Application	✓	✓ plus time of application
EPA Registration Number	✓	✓
Active Ingredients	NR	✓
Brand name / Trade name / Product name	✓	✓
Crop, Commodity, or Site of Application	✓	✓
Restricted Entry Interval (REI)	NR	✓
Size of Treated Area	✓	NR
Total Amount Applied	✓	NR
Field ID / Location	✓	✓
Minimum Age	None as of 2016	18 years, exclusions for immediate family
Complete Record	Within 14 days of application, keep two years.	Before application, keep two years after the REI expires.
SDS**	✓	✓
Training	In Tennessee, training required every three years.	Annual training required and records of training must be kept for two years.
Posting Field	Only if label requires	Post warning sign if REI is greater than 48 hours (outdoor applications) or four hours (enclosed space applications — e.g., greenhouses), otherwise optional for posting or oral notification unless label requires both.

*NR = Not Required

** SDS = Formerly known as MSDS, the Safety Data Sheet (SDS) is an informational resource that is widely used as a system for cataloging information on chemicals, chemical compounds, and chemical mixtures. SDS information may include instructions for the safe use and potential hazards associated with a particular material or product. The SDS should be available for reference in the area where the chemicals are being stored or in use. The Occupational Safety and Health Administration (OSHA) requires SDSs of products used to be maintained on file.

NOTE: Spot treatments are applications made to less than 1/10 of an acre. Application of herbicide along a fence row or an insecticide applied to a fire ant mound would be examples of spot treatments. (Greenhouse and nursery treatments do not qualify as spot treatments.) For spot treatments, describe location of area treated (for example, poison ivy along the fence row of the Smith Farm, field #2), indicate “spot treatment,” and record the following:

- Product name
- EPA Registration number
- Total amount applied
- Date of application (Mo/Da/Year)
- Crop/Commodity/Site of Application
- Size of treatment area
- Name of Applicator
- Certification number of applicator

For the Field ID / Location, write the location of the application (not the farm or business). The location may be identified on a farm map by USDA map and number, by Global Positioning System (GPS), by a common field name (for example, 52-48 Old Creek Field), or by a legal description. If the site treated is a greenhouse or storage facility, give it a unique name or number. If you use GPS coordinates to record location you can (a) Create a map of the treated area with GPS coordinates, (b) List the GPS coordinates to delineate the field perimeter, or (c) Record GPS coordinates that accurately identify one point pertaining to the field. The coordinates should be followed by a statement indicating the relationship of the point to the field. For more information on GPS go to ams.usda.gov/pestidrecords.

Recordkeeping Form for the Worker Protection Standard and the USDA Restricted-Use Pesticides Regulation

Maintain records of all agricultural-use (WPS) and restricted-use pesticides for a minimum of two years.

1)  / USDA Field ID / Location of Treated Area

(2)  /USDA	(3)\  /USDA	(4) 	(5)  /USDA	(6)  /USDA	(7)  /USDA	(8) 	(9) USDA	(10) USDA	(11) USDA
Date (Mo/day/year)	Time	Restricted Entry Interval (REI)	Crop / Commodity/ Site Treated	Brand / Trade name	EPA Registration Number	Active Ingredient	Size of Area Treated	Total Amount Applied*	Applicator's name and Certification Number
	Start Completed								
	AM								
	PM								
	AM								
	PM								
	AM								
	PM								
	AM								
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	AM								
	PM								
	AM								
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Information for fields 1 – 8 is required by WPS regulations. Fields 1, 2, and 5, 6, 7 and 9-11 are USDA required fields.

The hand/head symbol  indicates the Worker Protection Standard (WPS) information (items 1- 8). This information (except time completed) must be posted **before** the pesticide application and remain posted for 30 days after the end of the Restricted Entry Interval (REI). After this time, the records must be maintained for **two years**. All other information (items 9-11) must be recorded within 14 days of application. If a tank mix of pesticides is applied with different REIs, write down the longest REI. **Note:** WPS agricultural-use pesticides may be general-use or restricted-use pesticides.

*Multiply the rate of application that you used by Size of Area Treated (item 9) to get Total Amount Applied (item 10). The Total Amount Applied is not the quantity after water or a carrier is added.

Note: For applications made to less than 1/10 acre, indicate “spot treatment” within Crop or Commodity Treated (item 5) and record the Location of Treated Area (item 1). Record the Date, Brand Name, EPA Reg. No. and Total Amount Applied (items 2, 6, 7, and 10).



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