

Pesticide Recordkeeping Requirements for Commercial and Licensed Applicators and Dealers

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Definition

1. **Private Applicator** — In the law, “Tennessee Application of Pesticide Act of 1978” and “Regulations Governing Use of Restricted Use Pesticides,” a private applicator is defined as an individual who uses, supervises the use of, or buys any pesticide that is classified as restricted use for the purpose of producing an agricultural commodity on property owned or rented by the individual or the employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person. These may be farmers, greenhouse operators and nursery operators.
2. **Commercial Applicator** — In the law, “Regulations Governing Use of Restricted Use Pesticides,” a commercial applicator is defined as an individual who uses, supervises the use of, buys or sells restricted-use pesticides for the purpose or for the use on any property other than as defined under Private Applicator or Licensed Commercial Pest Control Operator.
3. **Licensed Applicator (Licensed Commercial Pest Control Operator)** — Under “Tennessee Application of Pesticides Act,” this is defined as a person who engages in custom application of pesticides and who has demonstrated to the satisfaction of the pest control licensing and advisory

board his or her qualifications to design and/or direct pest control operations.

Commercial applications are affected by several laws with regard to recordkeeping. One is the “Food, Agriculture, Conservation and Trade (FACT) Act” of 1990, commonly referred to as the “1990 Farm Bill.” This law requires private and commercially certified pesticide applicators to keep records of restricted-use chemicals they apply.

Commercial Applicators

There are two state laws that supersede the 1990 Farm Bill. One is “Regulations Governing Use of Restricted Pesticides,” which contains the rules for the “Tennessee Insecticide, Fungicide, and Rodenticide Act (TIFRA).” In section 0080-6-16-.05, these regulations state that commercial applicators (**not** private applicators) shall keep accurate records of restricted-use pesticides used. These records must be maintained for a period of two years and made available upon request of the Tennessee Department of Agriculture.

These records must show the following:

- (a) Pesticide used,
- (b) Target pest,
- (c) Crop, plant, house, business or building pesticide is applied on or to and its location,
- (d) Dosage rate,
- (e) The landowner, producer or other person employing the applicator,
- (f) Date used and
- (g) Amount of pesticide applied.

Licensed Applicators

(Licensed Commercial Pest Control Operators)

Another state law that requires recordkeeping is the “Pest Control Operator Regulations” of the “Tennessee Application of Pesticides Act.” Section 0080-09-04-.09 of these rules or regulations states that all commercial pest control operators and commercial applicators shall maintain true and accurate records of both *restricted* and *general use* pesticides. Such records shall be kept legibly or electronically and shall be readily available for departmental inspection for two years following the pesticides’ use. Upon request by the Tennessee Department of Agriculture, such records shall be made available within 48 hours.

Records must document each of the following:

- (a) Applicator’s first and last name(s) and departmental assigned identification number,
- (b) The pesticide used,
- (c) The target pest(s),
- (d) The crop, plant, house, business or building onto or around which pesticide is applied,
- (e) Location where the pesticide is applied, including physical address or Farm Services number,
- (f) Application rate,
- (g) Percentage of mixed-use dilution and quantity of pesticide used,
- (h) Landowner or other person who requested the custom application of pesticide, and
- (i) Date of service.

Dealers

Section 0080-09-04-.08 of the TIFRA requires every licensed pesticide dealer to maintain records necessary to identify all purchases of restricted-use pesticides.

These records must include the following:

- (a) Date of the sale,
- (b) Name and quantity of pesticide sold, including each sale, and
- (c) Name of the purchaser and purchaser’s license, certification or private applicator certification number.

Summary

These regulations do not require the use of a standardized form. However, one has been developed by UT Extension as Form 805 for the convenience of commercial applicators. This form has all the items required by Tennessee and federal laws and the Worker Protection Standards (WPS). There are also computer programs available from private industries and universities. The University of Tennessee has developed an Excel spreadsheet for recordkeeping. The spreadsheet is downloadable from psep.utk.edu/Private-rk-form.xls.

Commercial Applicator Restricted-Use Pesticide Record Keeping Form*

Field ID / Location of treated area _____



Land owner or person authorizing application _____

TDA

/ USDA		/ USDA	/ USDA	/ USDA		USDA	USDA		USDA	TDA
Date (mo/day/yr)	Begin time	Site, Crop, Commodity, area treated	Tradename	EPA Registration number	Active ingredient(s)	Size of area treated**	Total amount applied	REI (hrs)	Applicator's name & Certification number	Targeted Pest(s)
	End time									
	AM									
	PM									
	AM									
	PM									
	AM									
	PM									
	AM									
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*The Federal pesticide recordkeeping regulations require all commercial applicators, both agricultural and non-agricultural, to furnish a copy of the data elements required by this regulation to the customer within 30 days of the restricted use pesticide application. Also upon request by the Tennessee Department of Agriculture, such records shall be made available within 48 hours.

USDA = Information required for Federal Record Keeping Requirements for restricted-use pesticides and records must be maintained for two years.

TDA = Tennessee Department of Agriculture, ruling; T.C.A. §§ 0080-09-04-.09 requires additional information for commercial pest control operators and commercial applicators, such as; targeted pest(s), the name of the landowner or person authorizing application.

= This hand/head symbol indicates Worker Protection Standard (WPS). All WPS information must be posted within 24 hours of the pesticide application or before entry occurs and area must remain posted for 30 days after the end of the Restricted Entry Interval (REI). After this time, the records must be maintained for 2 years from the end of the REI. All other information must be recorded within 14 days of application. If you apply a tank mix of pesticides with different REIs, write down the longest REI. NOTE: WPS agricultural-use pesticides may be general use or restricted-use pesticides.

**Spot Treatment: Spot treatments are especially useful in the control of noxious weeds. If you apply restricted use pesticides on the same day in a total area of less than 1/10 of an acre, you are required to record the following: date of application including month, day, and year; brand or product name; EPA registration number; total amount of pesticide applied; location of the pesticide application, designated as "Spot application," and short description. The spot treatment provision excludes greenhouse and nursery applications.



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