



Private Applicator Pesticide Recordkeeping Requirements for Livestock Production

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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 1993, 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 database 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 facilitated by access to such records, then they are to be made available to the medical

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<http://osufacts.okstate.edu>

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. This includes applications of RUPs to livestock and livestock facilities. 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 (including livestock or livestock facility) to which an RUP was applied;
- the month, day, and year on which the RUP application occurred; and
- 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:

- 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;

(Continued on page 4.)

Pesticide Application Record

Date Mo./Day/Yr. & Time	Product Brand Name/Manufacturer	EPA Registration Number	Location	Size of Area or No. of Head Treated	Rate or No. of Ear Tags (Circle One)	Total 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	
					oz lb pt qt gal	

Information in shaded columns is not required by law.

- an identification system established by a USDA agency, such as the FSA or NRCS, which uses maps and numbering systems to identify field locations; and
- the legal property description.

GPS Coordinates

For livestock producers, the actual location where livestock are treated, such as holding pens or chutes, should be recorded.

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 30 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 nor

state agency representatives nor medical professionals are allowed to release information obtained from private or commercial applicators that would identify, directly or indirectly, 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 where livestock are treated or to refer to a map. Recording timing of application and weather conditions, including air temperature and wind speed and direction, may prove useful to producers in evaluating pesticide effectiveness or responding to complaints. Recording rate of application (including number of ear tags used), age or weight of animals at treatment, days to reentry for treated facilities, and days until cleared to market may provide assistance in meeting worker protection and other requirements and will enable producers to keep all important pesticide application information in a single location.

Additional Private Applicator recordkeeping forms can be found at: pested.okstate.edu/record.html

Additional recordkeeping requirements for Non RUP may be required under the Workers Protection Standard (WPS) for livestock production. Please refer to the publication *EPA How to Comply With the Worker Protection Standard for Agricultural Pesticides* for more information.

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