# What do the Pesticide Regulations require?

If you use pesticides on your produce or farm, or in your business or occupation, then you must make a record of your pesticide use. The record needs to contain information about:

* who applied the pesticide
* what was applied
* when, how and where it was applied
* what it was applied to
* the quantity that was applied
* if the pesticide was applied outdoors by spray equipment: an estimate of wind speed and direction.

The record must be made within 24 hours of use and kept for three years. Authorised officers of the Environment Protection Authority (EPA) may check these records at any reasonable time and penalties may apply if the records have not been kept in accordance with the Regulation.

# Which pesticides are included?

Pesticides include herbicides, fungicides, insecticides, fumigants, bactericides, rodenticides, baits, lures, repellents and pesticides used on animals to control external parasites.

Who does the law apply to?

Records must be kept by all people who use pesticides for
commercial or occupational purposes such as on a farm,
on produce, or as part of their job or business. For example, this applies to farmers, market gardeners, green keepers, nursery operators, pest control operators, ground-rig operators, landlords, landscape gardeners, local councils and government agencies that use pesticides.

Aerial operators are also required to record some additional information as part of their licences.

**Important note:** Everyone who uses a pesticide must comply with label directions as required under the Pesticides Act 1999. Hence, if the label or Australian Pesticides and Veterinary Medicines Authority (APVMA) Permit requires that you make a record, then you must do it regardless of how the Regulation affects you.

# Do I have to record my own household pesticide use?

No. You do not need to make a record when you use pesticides around your own home or garden or when using things such as personal insect repellents. For example, you do not need to record the use of cockroach baits, flea powders on pets or pesticides used on your household vegetable garden or fruit trees.

# What sorts of pesticide applications have to be recorded?

Circumstances where you must make a record of using pesticides include:

* spraying crops, plants or other produce
* spraying fallow land (i.e. spraying before planting or after harvesting)
* dipping fruit or vegetables
* baiting pests like rabbits, foxes, wild dogs, feral pigs etc.
* controlling pests in and around buildings (doesn’t apply in farming or forestry)
* spraying places such as golf courses, bowling greens, ovals, playing fields or road verges
* controlling external parasites on livestock (except when using hand-held equipment)

The record must be made within 24 hours of use and kept for three years. Authorised officers of the Environment Protection Authority (EPA) may check these records at any reasonable time and penalties may apply if the records have not been kept in accordance with the Regulation.

# What do I have to record?

You must write down information about:

## Who applied the pesticide?

Record the name, address and contact telephone numbers of the person who applied the pesticide. If a contractor or employee applied the pesticide, the contractor or employee needs to record their name as well as the name,
address and contact details of their employer.

The names, addresses and contact details recorded need to be complete. For example, record first name and surname (not nicknames), full property address and telephone numbers. If email, fax or mobile numbers are available record those too.

If you are the on-site supervisor for a public authority, you need to record the names of all volunteers or paid members of the team you are supervising to do pesticide applications.

## Who is the owner or occupier of the land/area being treated?

Record the name, address and contact details of the person in charge of the place where the pesticide was applied. This may be the owner of the land, a farm manager, a lessee or rental occupier. As noted above, the names and contact details recorded need to be complete.

## When did you apply the pesticide?

You must record the date and the time you started and finished applying the pesticide.

## What did you use?

You need to record the full product name of the pesticide that you used. This is usually found below the warning statements at the top of the label and above the active ingredient information. A product name may include letters or numbers as part of its name and these must be recorded too. For example, ‘glyphosate’ is insufficient while ‘Bloggs Glyphosate 360 Herbicide’ would be correct.

If you are using a pesticide in a way that is different from the label instructions as permitted by an off-label Permit from the APVMA, you still have to record the full name of the pesticide product. You also have to make sure you have read the Permit (or have had someone read it to you) so you understand how you are to use the pesticide. The EPA recommends that you also write down the Permit number. Aerial operators should note the registration number of the aircraft.

## Which crop or situation did you treat?

Name the crop, crops or situation for which the pesticide was used. For example, wheat or coriander or macadamia or chrysanthemums, or for situations such as fallow land, or applications to rooms in a house. If a label specifies a rate for ‘vegetables’ you still need to record which vegetable you sprayed. For example, record ‘spinach and onions’, not just ‘vegetables’.

The EPA considers it good practice to also record the disease or pest being targeted.

## How did you apply the pesticide?

Name the equipment that you used e.g. mister, fogger, backpack, wiper, ground-rig, truck-mounted boom, tractor-mounted boom sprayer etc.

The EPA suggests that you also note down nozzle settings and calibration information, as this may help to show you took all care to avoid any off-target movement of the pesticide.

## How much was used?

Record the total amount of pesticide mix you made up and used and the rate of application. The rate of application can be recorded in any way that you wish, provided that it is clear how much of the product was applied, either as concentrated formulation or ready-to-use mix, and the area it covered in the application (e.g. square metres or hectares).

## Where did you apply the pesticide?

Record the property address and a delineation of the area where the pesticide was released. You could use a sketch or map of the property with blocks or paddocks marked on it to show the specific areas of the property that were treated for that job.

Alternatively, your record could refer to an area that is identified in a map of your property that shows surrounding roads, streets, fences, waterways or other landmarks that indicate the boundaries of your property. It would also need to show the location of your blocks or other areas where you applied pesticides.

For agricultural or forestry applications you also need to write the order in which paddocks, areas or blocks were treated with pesticides if more than one was treated as part of the same job. For example, ‘sprayed blocks 1, 5, 2 and 3, in that order’.

## Weather - wind speed and direction?

If you are outdoors and spraying pesticide through the air you need to record an estimate of the wind strength and wind direction. For example, ‘a light breeze was blowing from the north-east’. You do not need special equipment for this. Estimating wind speed by using the Beaufort Scale which relies on the movement of trees, flags or smoke is acceptable.

You also need to record any significant weather changes during the application, e.g. when a change in weather conditions increases the risk of off-target movement of the pesticide.

If the pesticide you are using does not travel ‘through the air’ you do not need to record weather details e.g. dipping of fruit or vegetables after harvest or laying pest baits.

# Do I have to record other weather details in addition to wind?

For some pesticides the APVMA has set directions on labels that restrict the use of the pesticide in certain weather conditions. If the label of the pesticide you are using talks about weather details such as rainfall, temperature and/ or humidity then you will need to record these too. For example, if the label says, ‘do not apply if rain is expected within 6 hours of application’ then you should record whether rain is expected. Similarly, if the label says, ‘do not apply when temperatures are above 27 degrees C ‘ or ‘avoid spraying when the relative humidity is less than 40%’ then you should record temperature and humidity information.

If you need to record rainfall, temperature or humidity, then you also need to record any significant changes during the application, e.g. when a change in weather conditions increases the risk of off-target movement of the pesticide.

Can I record the same information in one place?

Yes. Some of the information may remain the same from one application to the next so you can record it in one place and refer to it rather than write it
out in full each time you need to make a record.

For example, you could keep a book with the names and contact details of the people who apply pesticides on your property, a list of the full product names of the pesticides you use regularly and a sketch of your property which identifies your growing areas or blocks. When you need to make a record you could refer to the specific blocks, pesticides used and the person applying the pesticide according to your book without having to repeat the same details.

# Do I need a special form?

No. You do not have to use a special recording form - any suitable format is fine. You may already keep records for quality assurance programs and these will be sufficient if they include all the requirements specified here. If your current records do not include all of our requirements then simply add

in the missing bits. You do not need to keep two sets of records. Remember, any information that will remain the same for all applications can be recorded at the beginning of a logbook (i.e. owner of property, a map that can be referred to) rather than recorded for each application.

While developing your own method of recording pesticide use is likely to be the simplest approach, the EPA has developed a simple, **standard example form** to assist people who would prefer not to develop their own recording system.

# When do I make the record?

You must make your record within 24 hours of applying the pesticide.

# I only use small quantities of pesticides – do I have to keep records?

Businesses (such as landscape gardeners and shop keepers), public authorities, landlords and green keepers that use small quantities of household pesticides and apply them by hand or hand-held equipment, may not need to record such uses. If you use pesticides as part of your business or occupation as specified above you are not required to keep a record for jobs where you do **all** of the following things:

* spraying crops, plants or other produce
* you only use pesticides that are available to everyone for home or garden use, **and**
* you use the pesticide in small quantities, that is:
	+ you use the pesticide outdoors in quantities of no more than 5 litres/5 kilograms of concentrated product or 20 litres/20 kilograms of the ready-to-use product, or
	+ you use the pesticide indoors in quantities of no more than 1 litre/1 kilogram of concentrated product or 5 litres/5 kilograms of the ready- to-use product, **and**
* you apply the pesticide by hand or by using hand-held equipment only.

Please note that even in circumstances where you do not need to keep records, you are still responsible for the correct and careful use of that product at all times. If it is found that you have misused a pesticide you may be penalised for doing so.

One record per job

If you are applying the same pesticide to different paddocks, crops or sections of roadside as part of the same job on the one day you only need to make one record and say which paddocks, crops or streets you treated. For example, if you sprayed the same pesticide mixture to tomatoes and cucumbers as part of the same job, you can make a single record for that job. You do not need two separate records.

Remember records need to be made within 24 hours of applying the pesticide. If your job goes for more than one day you would need to record the first day’s application and then add more details to that record as your job continued. You would not need to make a completely new record for each new day.

Who makes the record?

It is the responsibility of the person applying the pesticide to make sure that an accurate record of that application has been made.

If you:

* *apply the pesticide* then you need to make the record or make sure an accurate record is made for you.
* *are the on-site supervisor* for team work being done for a council or government agency (whether it is voluntary or paid work) and the team is applying pesticides by hand or hand-held equipment only (such as hand-operated backpacks, cut and paint techniques etc.) then you have to make the record.
* *are using powered equipment* (e.g. boom-sprayer, ground-rig etc.) as part of such a team working on the same job, then every member of your team needs to make their own record.

# Who keeps the record?

If you are the owner, occupier or manager of the land on which you or your employees applied pesticides you need to keep a record of those applications.

You will need to give a copy of your record to the owner or occupier of the land on which the pesticide was applied if you are a contractor working.

How long do I keep the record?

Records must be kept for three years.

What happens if I do not comply?

Each situation or incident is assessed by the EPA on a case-by-case basis. If there is sufficient evidence to show that a person did not comply with this Regulation, the EPA would assess whether to warn the offender, issue a

penalty notice or prosecute. ***The EPA Prosecution Guidelines*** set out policy on issuing penalty notices and on bringing and conducting prosecutions.

Penalty notice fines for record keeping offences range from $150 to $750 for individuals and $300 to $1500 for corporations. Maximum penalties for prosecutions are $22,000 for individuals and $44,000 for corporations.

The EPA undertakes audit programs to check compliance with various aspects of pesticide use, which may include record keeping. The EPA also investigates allegations of pesticide misuse. EPA-authorised officers will always show you their authorisation card with photo identification before commencing an audit or an investigation.

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**PROPERTY NAME: ADDRESS:
PHONE: FAX:**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Date, start & finish time** | **Operator details** | **Crop or place where pesticide was applied** | **Type of equipment used** | **Name of pesticide used** | **Amount of product used** | **Total quantity applied** | **Size of area, field, block, paddock sprayed** | **Order fields, blocks were treated** | **Estimated wind speed & direction** | **Other weather details (as required by pesticide label or permit)** |
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