

PARTS 99–109 [RESERVED]

PART 110—RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS; SURVEYS AND REPORTS

- Sec.
- 110.1 Scope.
- 110.2 Definitions.
- 110.3 Records, retention, and access to records.
- 110.4 Demonstration of compliance.
- 110.5 Availability of records to facilitate medical treatment.
- 110.6 Federal cooperation with States.
- 110.7 Penalties.
- 110.8 Rules of practice.
- 110.9 Miscellaneous.

AUTHORITY: 7 U.S.C. 136a(d)(1)(c), 136i–1, and 450; 7 CFR 2.17, 2.50.

SOURCE: 58 FR 19022, Apr. 9, 1993, unless otherwise noted.

§ 110.1 Scope.

This part sets forth the requirements for recordkeeping on restricted use pesticides by all certified applicators, both private applicators and commercial applicators.

§ 110.2 Definitions.

As used in this part, the following terms shall be construed, respectively, to mean:

Administrator. The Administrator of the Agricultural Marketing Service, United States Department of Agriculture, or any individual to whom the Administrator delegates authority to act in his or her behalf.

Authorized representative. Any person who is authorized to act on behalf of the Secretary or a State lead agency for the purpose of surveying records required to be kept under this part and enforcing this part.

Certification number. A number issued by EPA or a State to an individual who is authorized by EPA or the State to use or supervise the use of any restricted use pesticide.

Certified applicator. Any individual who is certified by EPA or the State to use or supervise the use of any restricted use pesticide covered by that individual's certification.

Commercial applicator. A certified applicator, whether or not the individual

is a private applicator with respect to some uses, who uses or supervises the use of any restricted use pesticide for any purpose on any property other than as provided by the definition of private applicator.

Comparable. With respect to the records required to be kept under this part, similar to those required under EPA-approved State certification programs.

Complainant. The Administrator or an official of a cooperating State that deals with pesticide use or health or environmental issues related to the pesticide use, who institutes a proceeding pursuant to § 110.8 of this part.

EPA. The United States Environmental Protection Agency.

EPA registration number. The number assigned to a product registered with EPA in accordance with sections 3 or 24c of the Federal Insecticide, Fungicide, and Rodenticide Act and implementing regulations, and borne on the label of the product.

Indian governing body. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

Licensed health care professional. A physician, nurse, emergency medical technician, or other qualified individual, licensed or certified by a State to provide medical treatment.

Medical emergency. A situation that requires immediate medical treatment or first aid to treat possible symptoms of pesticide poisoning or exposure.

Parties. Includes the Administrator or cooperating State agencies who institute proceedings against whom such proceedings are instituted, under § 110.8 of this part.

Person. Any individual, corporation, company, association, firm, partnership, society, or other legal entity.

Presiding officer. Any individual designated in writing by the Administrator to preside at a proceeding conducted pursuant to § 110.8 of this part.

Private applicator. A certified applicator who uses or supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity:

Agricultural Marketing Service, USDA

§ 110.3

(1) On property owned or rented by the applicator or the employer of the applicator; or

(2) If applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.

Record. The legible recording of all required elements under section 110.3(a) (1) through (6) for the application of a federally restricted use pesticide.¹

Recordkeeping. The recording by the certified applicator, or the agent of the certified applicator, of the information required by §110.3(a) and (b) concerning each restricted use pesticide application, either electronically or manually in writing, and the maintenance of such records in a manner accessible to authorized representatives.

Respondent. The party proceeded against pursuant to §110.8 of this part, restricted use pesticide. A pesticide that is federally classified for restricted use under section 3(d)(1)(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Secretary. The Secretary of Agriculture, United States Department of Agriculture, or any individual to whom the Secretary delegates authority to act in his or her behalf.

State. A State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States, or an Indian governing body.

State lead agency. The agency designated by a State to have access to the records required to be maintained under this part.

Supervise. To provide instruction and guidance in the application of restricted use pesticides and exercise control over an applicator of restricted use pesticides in accordance with

standards prescribed by the EPA in 40 CFR part 171.

[58 FR 19022, Apr. 9, 1993, as amended at 60 FR 8123, Feb. 10, 1995]

§ 110.3 Records, retention, and access to records.

(a) Certified applicators of restricted use pesticides shall maintain records of the application of restricted use pesticides. Except as provided in paragraph (b) of this section, these records shall include the following information for each application:

(1) The brand or product name, and the EPA registration number of the restricted use pesticide that was applied;

(2) The total amount of the restricted use pesticide applied;

(3) The location of the application, the size of area treated, and the crop, commodity, stored product, or site to which a restricted use pesticide was applied. The location of the application may be recorded using any of the following designations:

(i) County, range, township, and section;

(ii) An identification system utilizing maps and/or written descriptions which accurately identify location;

(iii) An identification system established by a United States Department of Agriculture agency which utilizes maps and numbering system to identify field locations; or

(iv) The legal property description.

(4) The month, day, and year on which the restricted use pesticide application occurred; and

(5) The name and certification number (if applicable) of the certified applicator who applied or who supervised the application of the restricted use pesticide.

(b) Certified applicators shall maintain records of the application of restricted use pesticides made on the same day in a total area of less than one-tenth ($\frac{1}{10}$) of an acre. Except for applications of restricted use pesticides in greenhouses and nurseries, to which the requirements of paragraph (a) of this section apply, these records shall include the following information for the application:

(1) The brand or product name, and the EPA registration number of the restricted use pesticide that was applied;

¹Records can be handwritten on individual notes or forms, consist of invoices, be computerized, and or be maintained in record-keeping books.