

Industry guidance fact sheet

Pesticide Record Keeping

Landlords and Property Managers



This fact sheet is for landlords and property managers, such as real estate agents, property agents and farm managers who apply or arrange to have pesticides applied to a property that is let or tenanted. It provides guidance on how to comply with record keeping rules set out in the Pesticides Regulation 1995. These record keeping rules commenced on 31 July 2002.

What kind of pesticide treatments do I need to record?

Under the Pesticides Regulation 1995, if you are a landlord or if you manage a property that is tenanted or let on a commercial basis you must make a record of all pesticide applications you make to that property. This includes all applications that are made to either the building or the surrounding property areas.

For example, you **must** make a record if:

- you treat the interior rooms, sub-floor area or roof cavity of a property for pests such as termites, cockroaches, ants, silverfish, spiders or mice, by using a hand or powered sprayer or duster, or by applying gels to cracks or crevices, or by laying baits
- you treat any exterior areas of a property, including external sub-floor areas, external walls, sheds, garages, fences, and back and front yards, for pests such as termites, wasps, ants or spiders, by using a hand or powered sprayer or duster, soil or slab injector, or by applying gels to cracks or crevices, or by laying baits.

You **do not** need to make a record if you are applying the pesticide to treat the water in a swimming pool or spa.

You **do not** need to make a record when using non-chemical means to control pests, for example, physical barriers such as termi-mesh, glue traps and timber monitoring pegs.

You **do not** need to make a record if the small-scale exemption applies to the pesticides application you are making (see below).

If you engage a pest control operator to apply pesticides, the pest control operator, not the landlord/property manager, must make a record (a separate record keeping fact sheet is available from the NSW Environment Protection Authority (EPA) for pest control operators).

What is the small-scale exemption?

The small-scale exemption allows you to use small quantities of domestic-type pesticides without making a record. Under the exemption you do not need to make a record if **all of the following conditions are met**:

- the pesticide you are using is ordinarily used for domestic purposes (including home gardening), **and**
- it is widely available to the general public at retail outlets (e.g. supermarkets or hardware stores), **and**
- you are applying the pesticide by hand or by using a hand-held applicator, **and**
- in the case of **outdoor** use, you use no more than 20 litres or 20 kilograms of a 'ready to use' product, **or** 5 litres or 5 kilograms of a concentrated product, **and**
- in the case of **indoor** use, you use no more than 5 litres or 5 kilograms of a 'ready to use' product, **or** 1 litre or 1 kilogram of a concentrated product.

If you do not meet **all** of these circumstances, then you must make a record.

What information do I have to record?

To comply with the record keeping rules set out in the Regulation you must record:



- the **full product name** of the pesticide applied (e.g. Premise 200 SC, not just 'Premise')
- the **situation** in which you used the pesticide (e.g. 'to treat domestic house for cockroaches'). You do not have to record the target pest but it may be helpful to record this information (e.g. termites, cockroaches, ants, birds, mice)

- the **rate** of application (this is on the label) and **quantity** of pesticide applied (e.g. record the total amount of pesticide concentrate you used in a mix, the total amount of mix you made up and the area treated). For example, if spraying for ants, the record could say 'made total of 30L at the label rate of 95ml/10L of water. Sprayed 30 square metres'.



- a description of the **equipment** used to apply the pesticide (e.g. hand sprayer, power sprayer, hand duster, power duster, soil injector).

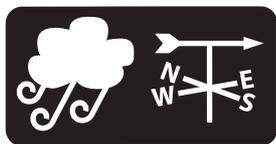
- the property **address** and a delineation of the **area** where the pesticide was used (e.g. interior, exterior of property, roof cavity). This can be recorded on a sketch or map of the area treated. If you are spraying interior areas, you should record the names of the rooms treated.



- the **date** and **time** of the application, including the times that you started and finished the job.

- the name, **address and contact details** of the person who applied the pesticide. If you applied the pesticide yourself, you must write down your details. If you employed someone else to apply the pesticide then that person must record **their name** as well as **your** name, address and contact details as their employer. If the pesticide was applied by a contractor, the contractor must record their own name, address and contact details.

- the name, address and contact details of the **owner or the person who has the management or control** of the land where the pesticide was applied (see below for further information). You only have to record this additional information if the person who owns or manages the property and the person who applied the pesticide are different.



- if the pesticide was applied **outdoors** and **through the air using spray equipment** then you **must** make a

record of weather conditions. You **must** record:

- an estimate of the **wind speed and direction** at the start of the application and any significant wind changes during the application (you can use the Beaufort scale to help estimate the wind speed). Copies of an adapted Beaufort scale are available from the EPA's Pollution Line on 131 555 or at

www.epa.nsw.gov.au/envirom/beaufort_scale.pdf). If the wind speed and direction are variable, you should note this (e.g. 'wind light and variable').

- if **other weather conditions** are specified on the label as relevant to the proper use of that pesticide (such as temperature, humidity, rainfall etc) you **must** record a description of these weather conditions at the start of the application and any significant changes in these conditions during the application. For example, if the label says 'do not apply when temperatures are above 30°C' then you should record the temperature at the start of the application and any significant temperature changes that occur during spraying.

What if I use more than one pesticide in a job?

If you use more than one pesticide in a job, you do not need to create a separate record for every pesticide. You can make one record, **but** you must make sure that it includes details on **all** the pesticides you used (e.g. the full product name of each pesticide, the situation treated with each pesticide, rate and quantity and equipment used for each pesticide, a delineation of the area treated and the date and time of each application).

Who makes the record?



If you applied the pesticide yourself, then it is your responsibility to make the record. You can get someone else to write it down for you, but it is up to you to make sure the record is made and that it is accurate. **Records must be made in English.**

Who is recorded as the owner/occupier if the property is vacant?

Under the Regulation, you must record the name, address and contact details of the owner or the person who occupies the property. The 'occupier' is the person who has the management or control of the place where the pesticide was applied. Depending on the particular facts it may be the owner of the land, a person in charge such as a farm manager, a managing agent (e.g. real estate agent), a lessee or rental occupier.

Where a property is vacant, a good rule of thumb is to record the name, address and contact details of the person who ordered or contracted the pesticide work. Generally this person would be considered to have the control or management of the premises.

For example:

An owner of a vacant apartment appoints a real estate agent or a property manager to lease and maintain their property. The agent or property manager (as the managing agent) either applies the pesticide themselves or engages a pest control operator to apply the pesticide. In either case, the name, address and contact details of the managing agent should be recorded as the 'occupier' of the premises.

or

The owner of a vacant rural property appoints a managing agent to lease and maintain the property. The managing agent engages a pest control operator to treat the farmhouse on the property. The pest control operator should record the name, address and contact details of the managing agent as the 'occupier' of the premises.

If a property is tenanted, you may record the details of either the owner **or** the person with management or control of the premises (i.e. the tenant or the property manager). As with vacant properties, a good rule of thumb is to record the name, address and contact details of the person who ordered or contracted the pesticide work.

Who keeps the record and for how long?

If you are required to make a record, you must keep the record for three years.

If you are a landlord or are managing a property on behalf of a landlord (i.e. if you are a real estate agent, managing agent or property manager) and you applied the pesticide yourself, then **you** must keep the record.

If you contracted a pest control operator to apply the pesticide, then the pest control operator must keep the record.

What form do I use?

The EPA has a sample record keeping form that you can use if you wish to, but you can make your record in any way you want, providing each record includes the information required. If you already make records for other purposes, you can simply add to that record any of the requirements listed above that are not already in that record.

When do I make the record?

If you need to make a record you must do so within 24 hours of applying the pesticide.

More information

More information and a sample record keeping form is available from your local EPA officer or by phoning the EPA's Pollution Line on **131 555** (cost of a local call) or from the EPA's website epa.nsw.gov.au/pesticides/risintro.htm. A copy of the *Pesticides Act 1999* and the Pesticides Regulation 1995 can be obtained from the NSW Government Printing Office or viewed on the NSW Government website www.legislation.nsw.gov.au.

Fact sheets about record keeping and other pesticide applications specific to particular industries are also available from the EPA, including pesticide applications by pest control operators, councils and greenkeepers. Fact sheets about broadacre farming, livestock, horticulture and baiting are also available.

Example Record Keeping Sheet – Landlords and Property Managers

Property owner/manager

Bob Jones, 54 Seven Hills Road, Seven Hills, NSW 2147 Telephone: (02) 9626 6568

Property address

19 Yaringa Road, North Parramatta, NSW 2150

Date of application

3 May 2003

Time application commenced

9:20am

Time application finished

11:40am

Person that applied the pesticide

Bob Jones (contact details same as above)

Situation treated

Exterior and interior of a domestic house treated for ants

Where the pesticide was used

Exterior: Back and front yards of the property, including verandah (sketch attached).* Interior: Kitchen, bathroom and living room.

Type of equipment used

Hand sprayer

Full name of pesticide used

Biflex Termiticide & Insecticide

Amount of product used

Made a total of 30L of mixed product at the label rate of 95ml/10L of water

Total quantity applied

30L (i.e. total amount of water, oil, or other additives mixed with the concentrated product)

Size of area treated

Sprayed 30 square metres

Estimated wind speed and direction

Light breeze blowing from the north-east (number 2 on the Beaufort Scale). No changes to weather conditions during spraying.

Other weather details

No weather details specified on the label

* Marking the areas treated on a rough sketch of the property can make recording this information easier.