



# Safe Pesticide Use - What the EPA needs to see

**Dave Thompson – Pesticide Inspector**

**Martin A Bowles – Principal Policy Officer**

**NSW Environment Protection Authority**

# POINTS COVERED

- **Regulators and their expectations**
- **Key legal obligations**
- **Recent compliance issues**
- **Doing things the right way**
- **Questions and discussion**

# KEY REGULATORS

**Safe and responsible pesticide use covered by:**

- **APVMA assesses & approves; regulates until point-of-sale**
- **NSW EPA:**
  - **regulates use of pesticides in NSW (ie after sale) – NSW Pesticides Act 1999 & Reg**
  - **pollution control laws – NSW Protection of the Environment (Operations) Act 1997**
- **NSW WorkCover Authority - new national work health and safety legislation and codes**

# KEY LEGAL REQUIREMENTS

- **Follow all label or permit instructions**
- **Only use registered products**
- **Prevent off-target harm:**
  - **Risk assessment**
  - **Due diligence**
- **Make records within 24 hours**
- **Repeat training each 5 years**

# RECENT COMPLIANCE EXPERIENCE

- **Use of unregistered product without proper permit (eg ethephon)**
- **Off-label use without permit (eg atrazine, Vydate)**
- **Not following label instructions leading to off-target harm (eg. Fenamiphos, Namacur)**
- **Some gaps or inaccuracies in record keeping**
- **Training not always current**

# FOLLOW LABEL INSTRUCTIONS

- **Best way to ensure risk of off-target harm is minimised**
- **Assessment and registration process ensures most use risks have been anticipated**
- **Watering-in requirements**
- **Observe exclusion requirements – timing, signage, barriers – these can pose challenges**
- **Beware of label complexity!**
- **Problems arise? *Adverse Experience* report to APVMA  
[http://www.apvma.gov.au/use\\_safely/adverse/agricultural.php](http://www.apvma.gov.au/use_safely/adverse/agricultural.php)**

# USE AN APPROVED PRODUCT

- In most jurisdictions use pattern approved for situation (some latitude in Vic)
- Ensure product is actually registered or allowed by a current permit (quiz reseller or use PUBCRIS or Permits search)  
<http://www.apvma.gov.au/products/databases/index.php#pubcris>
- No approved sports turf situations for atrazine since APVMA review 1997

# AVOID OFF-TARGET HARM

- **Not always enough to only follow the label**
- **Need to assess risks, ensure no off-target harm to people, plants, animals, property**
- **Due diligence defence (more on that later)**
- **No pollution of waters, strict liability offence under most environment laws**
- **Failure to properly implement label instructions can harm wildlife – eg fenamiphos**





**Incidents like this are fortunately mostly a thing of the past: Manly Lagoon 2001**

(photo courtesy Manly Daily)

# KEEP RECORDS (diligently)

- **Pesticide records mandatory in some states and always good practice:**
  - Date, start & finish time
  - Order of treatment
  - Crop or situation
  - Product
  - Rate of application
  - Total quantity
  - Equipment
  - Wind speed and direction
- **Other relevant records, eg irrigation records for watering-in requirements, particular weather features**

# New e-form on its way:

## Record of pesticide use - NSW

This form is designed to help you record all information required by the *Pesticide Regulation 2009*. Use of this format is not compulsory.

More information and guidelines are available at [www.environment.nsw.gov.au/pesticides/risintro.htm](http://www.environment.nsw.gov.au/pesticides/risintro.htm).

### Person applying pesticide

Name

Address

Phone

Email

Are you the owner/occupier?  Yes  No

### Owner/occupier details or application location

Name

Address

Phone

Email

### Map/diagram of location of pesticide use (optional)

Remove Image

Instructions on using this area:

Click here to upload a digital map or diagram of the area where the pesticide was applied. If manually completing a printed version of this form a diagram can be drawn or pasted here.

Attach an image or sketch a diagram to show where, and in what order, pesticide was applied.

### Checklist

- |   |   |
|---|---|
| <input type="checkbox"/> Record each pesticide application within 24 hrs        | <input type="checkbox"/> Ensure all recorded information is not false or misleading |
| <input type="checkbox"/> Supply a copy of the record to the client or landowner | <input type="checkbox"/> Notify relevant people of the pesticide application        |
| <input type="checkbox"/> Store the record for three years                       | <input type="checkbox"/> All parts of this record are to be completed in English    |
| <input type="checkbox"/> Ensure records are readily available upon request      | <input type="checkbox"/> Training is current (completed in last 5 years)            |

Email form

Print form

Save form

# UNDERSTAND YOUR LEGAL RESPONSIBILITIES

- **Managing workplace pressure? Remember shared liability provisions of NSW pesticides legislation**
- **Enforcement officers have wide-ranging powers:**
  - requisition reseller records
  - take samples
  - direct answering of questions
- **Providing false or misleading information can be as serious as misuse offences**
- **Due diligence defence – take all reasonable measures to prevent mishap**



## **Due diligence for Commercial user or Corporate manager :**

- **Staff contract clauses ensuring knowledge of relevant laws**
  - **Pesticides Use Policy develop and implement**
  - **Documented Procedures – Record keeping, purchasing, training, pesticides use, storage, disposal.**
  - **Staff induction; ongoing training (toolbox talks, new products/equipment)**
  - **Auditing – internal, independent, unannounced**
  - **Board of Directors - awareness training**
  - **Adopt the Minimum Standard (golfing industry)**

# HAVE APPROPRIATE AND CURRENT TRAINING

- **AQF Level 3 essential for unsupervised users**
- **NSW has mandatory five year renewal requirement (level 2 acceptable – direct supervision)**
- **Level 4 - a good skills investment for chemical program supervisors, assists due diligence/duty of care**

# STAY UP-TO-DATE

- Resources for evolving regulator and label requirements
  - PUBCRIS (APVMA)
  - State agency web sites eg.  
[www.epa.nsw.gov.au/pesticides](http://www.epa.nsw.gov.au/pesticides)
  - Phone – eg NSW Environment Line 131 555
  - Tap into extension services
- Stewardship programs of manufacturers, distributors and resellers
- Professional, industry association programs

- management
- Household use and disposal
- + Chemical management
- Pesticides**
- What are pesticides and how do they work?
- + Pesticides Act
- Managing pesticides in NSW
- Managing rinsate and spray drift
- + Using pesticides safely and legally
- Integrated pest management
- + Record keeping
- + Training
- + Notification of pesticide use
- + Pesticide control orders
- + For pest management technicians
- Pesticide links

## What are pesticides?

A pesticide is any substance or mixture of substances used to destroy, suppress or alter the life cycle of a pest. A pesticide can be a naturally derived or synthetically produced substance. A pesticide can also be an organism.

Pesticides include herbicides, fungicides, insecticides, fumigants, bactericides, rodenticides, baits, lures and repellents. Products used on animals to control external parasites are also considered pesticides if they require dilution or mixing with water, unless they are listed as a low-risk veterinary chemical product in the [Regulation to the Stock Medicines Act 1989](#). Pesticides control pest organisms by physically, chemically or biologically interfering with their metabolism or normal behaviour.

For more detailed information, including the legal definition of pesticides under the [Pesticides Act 1999](#), see the Environment Protection Authority (EPA) webpage [What are pesticides and how do they work?](#)

## Safe use of pesticides program and poster

A DVD and posters about safe pesticide use are available to help NSW market gardeners and horticultural workers from diverse backgrounds understand how to use pesticides safely and legally.



The poster is available in:

- English ([Englishpestposter06569.pdf](#), 275k)
- Arabic ([Arabicpestposter06576.pdf](#), 401kb)
- Chinese ([Chinesepostposter06577.pdf](#), 32k)
- Khmer ([Khmerpestposter06578.pdf](#), 1125k)
- Vietnamese ([Vietpestposter06579.pdf](#), 423k)

Copies of the DVD and A2 laminated poster, in English and a range of community languages, be requested from the EPA [Environment Line](#). For more details, see the information sheets in:

- English ([Englishpestinfo07384.pdf](#), 65kb)
- Arabic ([Arabicpestinfo06584.pdf](#), 587kb)
- Chinese ([Cantonesepestinfo06586.pdf](#), 10k)
- Khmer ([Khmerpestinfo06557.pdf](#), 3958kb)
- Vietnamese ([Vietpestinfo06588.pdf](#), 472kb)

These handy visual reminders complement information provided in [mandatory pesticide training courses](#). They will also be a useful resource for pesticide trainers and for agricultural, water catchment and environment advisory workers who work with growers in the Sydney Basin and across the state.

Web versions of the video are available in [Mandarin](#), [Cantonese](#), [Vietnamese](#), [Arabic](#) and [Khmer](#), along with other community language resources under [Using pesticides safely and legally](#).

## Spray drift management

The EPA, in collaboration with the NSW Farmers Association, Australian Pesticides and Veterinary Medicines Authority (APVMA) and Cotton Australia, has prepared an education campaign to inform farmers on how to avoid spray drift and about the technical and regulatory requirements when using 2,4-D.

Download the [Spray Drift Management webpage](#) and [Factsheet](#)



# LIKELY CHANGES WITH NATIONAL HARMONISATION

- **Record keeping** – similar to current Victorian and NSW requirements
- **Training** – minimum level 3 skill users of any Schedule 7s, other high risk products and Restricted Chemical Products (plus more for latter)
- **'Access to chemicals'** – minimum standards for varying from label instructions, including lower than label concentrations, and other pests
- Updated IGA expected May 2013, 18 months to implement!

# FINALLY...

- **This is a regulator's perspective**
- **Turf pesticide applications**
  - **High public profile places**
  - **Open spaces strongly valued by community (and thought as environmental oases)**
  - **reflected in reports to NSW EPA**
- **EPA always happy to talk to you**