



Cape Cod Cranberry Growers' Association

GROWER ADVISORY

Pesticide Use Record Keeping Requirements

The Pesticide Bureau of the Massachusetts Department of Agricultural Resources sets under 333 CMR section 10.14 requirements for record keeping in pesticide use. These requirements are set to insure the safety of the applicator and minimize any negative impact to the environment be it acute or chronic. The pesticide bureau also uses these records as a means to insure a degree of uniformity in growers' use of pesticides and as a means to enforce suspected violations.



Is there a separate set of requirements for pesticide record keeping at the federal level?

In Massachusetts, only one set of records needs to be maintained, those for the commonwealth, additional documentation for the feds is not required. The 1990 Farm Bill established requirements in record keeping in pesticide use at the federal level. However, Massachusetts was one of several states had established such requirements prior to 1990 and these regulations were deemed superseding to those enacted by the Farm Bill. In some ways the initiation of the Farm Bill influenced the requirements of the Commonwealth and have been incorporated as state law. Perhaps the biggest influence of the Farm Bill was that it increased the funding of the state pesticide bureau so it could more effectively enforce compliance. Moreover, at the federal level this covers only restricted-use pesticides. In Massachusetts the usage of **ALL PESTICIDES** must be documented as explained below

Record Keeping Requirements

Massachusetts requires that all certified commercial applicators, certified private applicators, and all licensed applicators or their employers, are required to keep true and accurate operational records containing the following information on each application of a pesticide. In the exceedingly rare event that farmers without any license are applying only non-restricted use pesticides to only their own farms, they are not required to keep records.

- (a) Place of application;
- (b) Date of application/Time of Day; *
- (c) The brand or registered name of the pesticide; *
- (d) The EPA registration number of the pesticide; *
- (e) The amount of pesticide applied;
- (f) Area Treated; *
- (g) The purpose for which the pesticide was applied;
- (h) Method of application;
- (i) The persons certified or licensed by the department who participated in the planning and execution of the application;
- (j) Accidents or incidents resulting from use of a pesticide which caused pollution;
- (k) The amount of liability insurance carried and the name of the insurer;
- (l) Any illness or injuries caused by or suspected to have been caused by pesticides and reported to the applicator.



*These items along with Restricted Entry Interval, Re-Entry Time, and Active Ingredient are required to meet record keeping requirements for Worker Protection Standards.

333 CMR goes on to add that records of such application must be maintained for a period of **at least three years** from the date of application and shall be made promptly available to appropriate Department officials upon a reasonable demand. Furthermore, in the event of an accident, incident, injury, or illness the Department requires that they be notified within 48 hours.

Differentiating Use Reports and Record Keeping

In addition to the requirements listed above the Department of Agricultural Resources requires that applicators submit a subset of their pesticide use in the form of an annual use report. Please note that while information on Pesticide Use Reports must be submitted on an annual basis it does differ, and in no way encompasses all the information required to be recorded and readily available for review. These Use Reports are typically due to the department between the months of March and June. Check with the CCCGA or MDAR to verify the submission date. In the past there have been problems with Use Reports getting lost in mailing. For this reason it is advisable to make copies of your use reports before sending them and send them certified mail.

Additional Record Keeping Requirements for Eligibility to Cost Share Programs

USDA currently provides cost sharing for Pest and Nutrient Management through the Environmental Quality Incentive Program (EQIP). The reporting requirements of that program include scouting reports for each season and copies of the relevant pesticide use report as filed with your handler. Contact the PCCD for more information on EQIP.

Zone 2 Record Keeping Requirements

Please reference the CCCGA 2004 Groundwater Protection Regulations Grower Advisory for more information on record keeping for application in zone twos.



Inspections

If an inspector plans on making a site visit to verify you have met the record keeping requirements they will generally call to schedule an appointment. At the visit the inspector will ask to review your records from the last three years and check for the appropriate insurance where needed. If your records are incomplete the inspector will issue a letter of warning and then conduct a follow-up inspection. If the inspection visit is complaint based, the inspector may show up unannounced.

The information in this guide is provided by the Cape Cod Cranberry Growers' Association as a service to its members. The information represents our interpretation of the state requirements and by no means is intended to act as a substitute for reading and following the specific regulatory requirements.

The Massachusetts Pesticide Control Act and
Standards, Requirements and Procedures for the Certification and Licensing of Pesticide Applicators

**Massachusetts General Laws, Chapter 132B
333 Code of Massachusetts Regulations (CMR) 10.00**

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