

Cotton

Cotton Producers Facing the **Worker Protection Standard**

April 1999

Information Sheet 1

Preparing for a Recordkeeping Audit

The first step in preparing for a recordkeeping audit is *Stay Calm!* You already have your field records; just take a few minutes and organize your records. Look at the benefits....records will improve your business management and profitability and the auditor may provide advice on how to better organize your records.

Pesticide records are often kept for two reasons. They represent better business management of a profitable farming operation and comply with federal and state laws regulating the use of pesticides.

Benefits

The benefits of pesticide recordkeeping cannot be underestimated. Some of the benefits often recognized are:

- *Evaluate effectiveness of pesticides...how well did the product(s) perform.*
- *Resolve pesticide failures...was there resistance or improper rate?*
- *Improve your ability to buy the correct amount of pesticide...plan for next season.*
- *Improve crop rotation decisions...will carry-over residue affect next year's crop?*
- *Document your legal use of pesticides...good defense in legal action against you.*
- *Provide necessary information in a medical emergency...treatment can quickly be administered.*
- *Preparation for requirements of lending institutions...helps secure loans and land sales*

Background for Recordkeeping Requirements by Federal and State Laws

Recordkeeping of pesticides had its origin in Federal laws and their amendments followed by state laws through the years. The Chronology of Laws and Regulations, which led to the current pesticide recordkeeping requirements, are listed in this information sheet.

What is a Recordkeeping Audit?

Pesticide purchase, use and distribution are tracked through records kept by manufacturers, distributors and the end user...the cotton producer...because of federal and state law requirements. The federal laws often establish the precedent for compliance, but state laws often follow, if not already in existence, which require equal or more comprehensive compliance in maintaining and/or displaying records for employees.

A pesticide audit is nothing more than a review of your records related to the purchase and use of pesticides on cotton.

The types of records which must be maintained vary depending on the requirements of federal and state laws and when the audit occurs. If the audit occurs during the season, there may be a request to observe the central location for displayed pesticide records (Worker Protection Standard-WPS) as well as pesticides used earlier in the season or the past season (Federal Pesticide Recordkeeping Regulation (FPRR)). You may be requested to keep pesticide use records for a two-year period following the use of the pesticide.

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The Pesticide Record Keeping Audit

■ *Unexpected and Unplanned!*

Seldom do cotton producers have the opportunity to plan a pesticide recordkeeping audit. The audit may be unexpected and at a busy time of the season. In some instances, depending on the agency doing the audit, you may receive written surveys and notification of a pending audit. Some types of audits may be voluntary, while others are required under an employment protocol of the auditors who have to conduct a specific number of audits per year.

■ *Always keep good records as seasonal pesticide use occurs.....*

This will provide immediate records and make it easy if an audit occurs during the season, rather than during the winter months. Likewise, keep your records from past seasons so they can easily be recovered and clearly presented if requested.

The Auditor....Please Identify Yourself!

The WPS requires the display of pesticide records as it relates to reentry into a treated field at the central location. This record has to be displayed 30 days after the REI.

In contrast, The FPRR requires a private pesticide applicator to maintain a pesticide record of a restricted use pesticide for up to two years after the use of the pesticide.

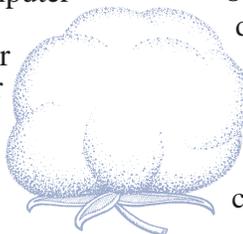
The auditor may be an employee of the EPA, State Department of Agriculture or other designated agency. A more likely auditor will be an employee under the USDA's National Agricultural Statistical Service (NASS). States through special funding from NASS have employed one or more individuals to visit farms, request voluntary survey completion by mail and review records on site. These individuals often are employed through the State Department of Agriculture or other closely associated state agency. If you are uncertain if anyone fills this capacity in your state, contact your State Department of Agriculture.

If complaints originating from applications of pesticides which cause damage to adjacent property, crops or injury to people which may lead to legal actions, it is likely a comprehensive review of your records and purchases will occur. ***Be prepared in this event!***

Maintaining Records....

There is **no specific form or recordkeeping system** required. The recordkeeping method is your choice as long as the required information is kept. Records can be maintained with record books, pocket handbooks, ledgers, specially created forms, handbooks, computer printouts (display) and other methods.

It is always a good practice to learn from your past year's experience....that is...reassess your pesticide use recordkeeping method and consider better ways of handling the excessive paperwork before another season.



Computer software packages offer a good solution if you have computer capability and someone to enter the information. Printouts may be used for specific information needed at the central information display and maintained for the required two-year period and printed out as needed in the order of pesticide use.

The requirements for the display of records for the Worker Protection Standard and maintenance of records required by the Federal Pesticide Recordkeeping Regulation are highlighted in Form 1 and 2.

Getting Your Records Together

In preparing for a pesticide audit, first assemble your records. The number and type of pesticide records may vary and depend on when the audit is conducted.

In-Season Audit

- Assemble all the records which have been displayed at the central information location for the past 30 days the interval after the restricted-entry interval expires or after the end of the application, if there is no restricted-entry interval for the pesticide. (Worker Protection Standard.)
- The displayed records include the location and description of the area treated, product name, EPA registration number and active ingredient(s) of the pesticide, time and date of the pesticide application and restricted-entry interval for the pesticide.
- Organize this information by date for easy review.
- Assemble all information required for the end of the season audit.

End- of-Season Audit

- Assemble all records of pesticides used during the current season. Consider having the past season's records organized and available in case they are requested. (Federal Pesticide Recordkeeping Regulation.)
- The records that must be maintained for restricted use pesticides (RUPs) include *The brand or product name, EPA registration number, total amount of product applied, size of treated area, the crop, commodity, location of the application, month, day and year of the application and the certified applicator's name and certification number. Spot treatments must be maintained as specified in the regulation.*
- Organize these records based on the application date for easier review.
- Use records assembled for WPS if audit occurs before 30 days after the last pesticide application or REI....which would have required displaying the information at the central information location.

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Chronology of Pesticide Laws

1910

The regulation of pesticides began with the passage of the **Federal Insecticide Act** by Congress. This act was enacted to ensure the quality of pesticide (insecticides) chemicals purchased by consumers.

1947

The **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)** extended the coverage to herbicides and rodenticides and required that all pesticide products be registered with the USDA before their sale in interstate or foreign commerce. It also required certain information to be specified on a pesticide label.

1959

FIFRA was amended to include nematicides, plant regulators, defoliant and desiccants to the definition of pesticide.

1964

FIFRA was amended to mandate a federal registration number and that the label contain signal words that relate to the toxicity of the products. In addition, pesticides could be suspended immediately by the Secretary of Agriculture if believed to pose an imminent hazard to the public.

1972

FIFRA was significantly changed under a new law titled the **Federal Environmental Pesticide Control Act (FEPCA)** to require registration of all pesticides by the EPA and classified by the agency for general or restricted use. Certification was required for persons applying restricted use pesticides. This also required that pesticide records be maintained by commercial applicators.

1975

FIFRA was amended again to allow the EPA to bring the older chemicals up to current registration standards. This process was called **Rebuttable Presumption Against Registration or RPAR**.

1978, 1980, 1981

Amendments in FIFRA also occurred in 1978, 1980, and 1981. These amendments were designed to improve the pesticide registration process and provide for consideration of agricultural benefits of pesticides in regulatory decisions made by the EPA.

1988

FIFRA was amended to establish a nine-year schedule for completion of the re-

registration of pesticide active ingredients registered before November 1984 and to impose substantial fees on registrants to cover much of the costs of the re-registration.

1993

The United States Department of Agriculture-Agricultural Marketing Service (USDA-AMS) under the Food, Agriculture, Conservation, and Trade (FACT) Act of 1990 gave authority to the Secretary of Agriculture, in consultation with the Administrator of the EPA, to require certified applicators of restricted use pesticides (RUPs) to maintain records comparable to records maintained by commercial applicators of pesticides in each State. Specific records were specified.

1995

(Fully Implemented)

The EPA revised the Worker Protection Standard for Agricultural Pesticides to require pesticide manufacturers to modify product labels to restrict the entry of workers into pesticide-treated areas, specify the use of personal protective equipment, require notification of workers about areas treated with pesticides, information on pesticides at a central location and other safety requirements.