

Pesticides Notification for Owners, Strata Managers and Property Managers

This fact sheet is for owners, strata managers and property managers (such as real estate agents and managing agents). It provides guidance on how to comply with the notification requirements of the Pesticides Regulation 2009 when pest management technicians apply pesticides to multiple occupancy residential complexes.

For what kinds of pest treatments do I need to provide notice to residents?

Under the Pesticides Regulation 2009 (the Regulation), you need to provide residents with **at least 5 working days notice** when you organise a pest management technician to treat the common areas of multiple occupancy residential complexes. Common areas include pathways, gardens, lawns, foyers, hallways, share laundries, car parks, roof cavities and sub-floor areas.

Multiple occupancy residential complexes include units, flats, townhouses and villas with three or more residences. They include caravan parks with long-term residents.

These rules do not apply to dual occupancies, duplexes or to single residences.

No notice is required for minor domestic-style pesticide use that does not require a pest management technician.

What kind of notice do I have to provide to residents?

The person who is organising pesticide treatments to a property must ensure that at least 5 working days notice is given to each resident:

- in person, or by fax, phone, email or post or
- by placing a notice under each resident's door, or in each resident's letterbox or
- by posting a notice on the main notice board (if there is one) and at all exit and entry points to the common areas being treated.

The pesticide application cannot go ahead unless 5 working days notice has been given to residents.

You must also make sure that the notice announcing the pesticide treatment gives residents information about the pesticide treatment. The notice must include:

- the full product name of the pesticide to be used and
 - the reason why the pesticide is being used (e.g. what pest is being treated) and
 - the proposed date or dates of use, or expected duration if it is a baiting program and
 - where the pesticide will be used and
 - any re-entry requirements that are on the pesticide label or permit and
 - the contact details of the pest management technician who will be applying the pesticide or the contact details of their office.
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The person organising the pesticide treatment should also inform the pest management technician (preferably in writing) that notice has been given to residents and that 5 working days must pass before the planned pesticide use can take place.

The pest management technician will provide you with the necessary information that must be included in the notice. The pest management technician must also provide a copy of the safety data sheet (SDS) for the relevant pesticide if requested by any of the residents.

For example:

A strata manager arranges for a pest management technician to treat an ant infestation in the foyer, stairwell and hallways of a block of flats.

The pest management technician provides the strata manager with information about the planned pesticide application (see example notice of intended pesticide application). The strata manager then informs residents about the treatment by placing a written notice in residents' letter boxes 5 working days before the treatment is scheduled to take place. Information about the treatment is also posted on the building notice board and near the main doorways so that it is easily seen as residents enter and exit the building.

After taking this step, the strata manager gives the pest management technician written confirmation by email (a fax or letter could also be used) that the required period of notification has been given to residents. Once the pest management technician receives this advice, the pest treatment can begin.

What if the pesticides treatment is postponed?

A common sense approach should be taken if a pesticide treatment is rescheduled. If a planned pesticide treatment is delayed by only a matter of days and if it still falls within the date range indicated in the notice, there is no need to reissue the notification to residents. However, if it is delayed by a substantial period (for example, by weeks or months), then an updated notice must be provided and residents must again be given at least 5 working days notice before the pesticide application can take place. Confirmation that the appropriate notification has been given to residents and that the pest treatment can commence should then be given to the pest management technician.

As shown in the example notice provided, it is acceptable to put a date range in the notice to cover short-term postponements.

What if there is an emergency situation?

You are not required to give residents 5 working days notification for pesticide treatments made in emergency situations. Emergencies are considered to be infestations of biting or dangerous pests such as wasps, bees, venomous spiders, rodents or bird mites that may pose immediate health or safety risks to residents. The pest management technician will need to give notice to residents immediately prior to the application of the pesticide and record the specific circumstances of the emergency in their records. A record of the notice given to residents should be kept.

What notice is required for baiting programs?

Where a baiting program is to commence (for example, for termites or rodents) the pest management technician should provide you with information about the duration of the program and where baits may be installed. This information must be included when you give prior notice to residents.

What happens if I do not comply?

Strict penalties may apply if you are unable to show evidence that notification was provided prior to applying pesticides, as required by the Regulation. On-the-spot fines of \$800 for corporations or \$400 for individuals may apply. Court-imposed fines of up to \$44,000 may also apply for more serious offences.

Example notice of intended pesticide application

Notice to residents of 'Bangalow', 54 Severn Hills Road, Severn Hills, NSW 2999

A pesticide application is planned to take place on
28 October 2013/between 28 and 31 October 2013*

(*Include a specific date, or a range of dates to cover short-term postponements.)

Full name of pesticide product: Cislin WG Residual Insecticide

This pesticide is being used to treat: Ants

The pesticide will be applied to: Foyer, stairwells and hallways

Re-entry periods: The Cislin label directions require the treated area to be thoroughly ventilated and any treated carpets or flooring to be dry before resuming activity on them.

The pesticide will be applied by: Rob Jones, Responsible Pest Services, contactable on telephone (02) 8626 6556 or mobile 0444 222 111.

Information about this notice

Under the Pesticides Regulation 2009, residents in multiple occupancy residential complexes must be given at least 5 working days notice before pesticides are used to treat any common areas of the property. This notice has been posted on notice boards and placed in all letterboxes on 20 October 2013.

Date of notice: **20 October 2013**

Where can I get more information?

More information about notification, including a notification template, is available on the Environment Protection Authority website at www.epa.nsw.gov.au/pesticides/pesticide_notification.htm, or by calling Environment Line on 131 555 (cost of a local call anywhere in NSW).

See the Regulation for full details of the notification requirements. A copy of the Pesticides Act 1999 and the Regulation can be obtained from www.legislation.nsw.gov.au

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Report pollution and environmental incidents

Contact Environment Line on 131 555 (NSW only) or email info@environment.nsw.gov.au

See also www.epa.nsw.gov.au

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Phone: 131 555 (NSW only – environment information and publications requests)

TTY users: phone 133 677, then ask for 131 555. Speak and listen users: phone 1300 555 727, then ask for 131 555

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