

Public authorities

This fact sheet is for public authorities (such as local councils and government agencies) or anyone employed by, or contracted to undertake work for, a public authority. It provides guidance on how to comply with record-keeping rules set out in the Pesticides Regulation 2017 (the Regulation).

What pesticide uses do I need to record?

Under the Regulation, you **must** make a record if you apply pesticides for, or on behalf of, a public authority (such as local councils or government agencies). For example, you must make a record if you:

- spray road verges, road shoulders, road reserves or drains on behalf of a public authority
- apply weed or pest treatments to public parks, gardens, playgrounds or sporting fields for a public authority
- apply pesticides to public buildings (for example, libraries, community halls, university grounds) for a public authority
- treat electricity poles for electricity authorities
- apply pesticides on public land (for example, national parks, Crown land or state forests), including any pesticide applications made as part of volunteer bush regeneration work
- apply pesticides to private land on behalf of a public authority (for example, for Landcare or Bushcare).

You do not need to make a record if you are applying pesticide (such as chlorine or water treatments) to the waters in public baths or in any

public or privately-owned swimming pool or spa. However, you do need to record any pesticide applications made to the grassed areas or other areas adjacent to pools or baths.

What is the domestic like use exemption?

The domestic like use 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** the following conditions are met:

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

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

What constitutes a 'job'?

The domestic like use exemption applies to each 'job' you undertake. A common-sense definition of a job applies here. If you were spraying weeds along a roadside regularly through the day, the job would be the complete task you did in that day. Spraying on two separate properties during a day is considered two jobs. To work out whether the exemption applies, you would calculate the amount of pesticide you used for the job. If you stop and then restart a pesticide application during a job, you should still calculate the entire amount of pesticide you used for the job to work out whether the exemption applies.

How does the domestic like use exemption work if I am working in a team?

The domestic like use exemption quantities apply to each individual user. If an individual member of a team uses less than the quantities set out in the Regulation and meets all the other conditions of the exemption, then no record would need to be made.

Example

Two council employees spray a public road with a herbicide ordinarily used for domestic purposes and widely available to the general public. They take turns applying the herbicide using a hand-held spray gun. At the end of the day, they work out how much herbicide they have each used. If they have each used less than the minimum quantity of pesticide (20 litres or 20 kilograms of ready-to-use product or 5 litres or 5 kilograms of concentrated product outdoors) they would not need to 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 (for example, 'Kamba M Selective Herbicide', not just 'Kamba')
- the **situation** in which you used the pesticide (for example, road easement along Craig's Road between the intersections of Smith and Jones streets); you are not required to record the target pest but it may be helpful to do so
- the **rate** of application (this is on the label) and the **quantity** of pesticide applied (for example, 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 you are spraying for bindy-eye on a road easement you could record: 'made up 100 millilitres of Kamba M Selective Herbicide Concentrate, diluted in 15 litres of water. Sprayed over a 150-square-metre area'
- the property **address**, and a delineation of the **area** where the pesticide was used (for example, lawn area of Cook Park). This can be

recorded on a sketch or map of the area treated. If you spray interior areas, you must record the names of rooms treated.

- the **date** of the application
- 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 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 contract details.
- if the pesticide was applied **outdoors** and applied 'through the air' then you **must** make a record of weather conditions such as:
 - 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 adapted Beaufort scale on the last page of this fact sheet to estimate wind speed. If the wind speed and direction are variable, note this (for example, 'wind light and variable'). Copies of the Beaufort scale are also available from the [Bureau of Meteorology website](#)
 - if other **weather conditions** are specified on the label as relevant to the proper use of that pesticide (such as temperature, humidity or rainfall), 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 during spraying.

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

If you use more than one pesticide in a job, do not create a separate record for every pesticide. You can make one record, but ensure it includes details on all pesticides you used (that is, 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).

What form do I use?

You can use the NSW Environment Protection Authority's (EPA's) sample record-keeping form, or make your record in any way you want, providing each record includes the information required. If you already keep records for other purposes, you can simply add to that record any of the requirements listed above not already in that record. Information can be stored electronically.

Who makes the record?

If you applied the pesticide yourself, 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 ensure the record is made, and that it is accurate. **The record must be made in English.**

If you are working for a public authority as part of a team and applying pesticides by hand or with hand-held equipment (for example, hand-operated backpack or cut-and-paint techniques), the on-site supervisor is responsible for making the record. The on-site supervisor must make a single record for the team that includes the names of all pesticides users.

If you are working as part of a team but are using non-hand-held equipment (for example, a tractor-mounted boom spray) to apply pesticides, then everyone in the team (not just the supervisor) using this equipment to apply the pesticide must make a record.

When do I make the record?

If you need to make a record you must do so within 48 hours of applying the pesticide.

Who keeps the record and for how long?

The council or public authority must keep a copy of the record for three years. If you are an employee of a council or public authority you must give the record to your employer to keep.

If you are a contractor, you need to keep the record for three years and provide a copy to the public authority, or the owner or person who has the management or control of the property where the pesticide was applied.

Example

If the council or public authority owns or manages the land, then you must provide them with a copy of the record. For example, if you were contracted by a local council to undertake weed treatment on council-owned sporting fields, you would provide a copy of the record to the council and keep the original for three years.

If you were contracted by a public authority to undertake weed treatment, and if the public authority is not the owner or manager of the property, you must give a copy of the record to whoever is the landowner or occupier, and keep the original yourself for three years.

Where can I get more information?

More information about record keeping is available from the EPA's Environment Line on 131 555 (NSW only) or on [the EPA website](#).

There are also notification obligations that apply when public authorities use pesticides in outdoor public places. More information and fact sheets are available on the EPA website.

The Pesticides Regulation 2017 has full details of the record-keeping and notification requirements. You can view a copy of the *Pesticide Act 1999* and the Regulation on the [NSW Government legislation website](#).

Sample pesticide record

Property details

Name: Spring Valley Council
 Address: 192-195 Albert Street, Spring Valley, NSW 2999
 Phone: (02) 7465 1222

Applicator contact details

Employees: Robert Stevens (as above), Jed Johnson (as above)
 Supervisor: Shaun Carter (as above)

Table 1 Pesticide application record keeping.

| Full product name | Date | Pest (optional) | Situation | Rate | Quantity (L) | Size | Areas treated | Applicator | Wind speed/direction (weather conditions) |
|--------------------------------------|---------------|-----------------|-------------------------------------|-----------------------------|--------------------|---|---------------------------------------|------------|---|
| Kamba M Selective Herbicide | 9 May 2016 | | Spring Valley sporting fields 1 & 2 | 6.5 L in 400 L water per ha | 400 | 1 ha | Sporting field 1 & 2 | Jed | Scale 2 – NNE, approx. 22 degrees. |
| Forward Glyphosate Bio 360 Herbicide | 14 April 2016 | Blackberry | Along Park Road (road verge) | 10 ml per L of water | 40 (2 spray tanks) | Treated 1 km of roadside at various spots | Park Rd between Cobb Rd & Junction St | Rob | Scale 0, cloudy, approx. 19 degrees |

Beaufort scale

Table 2 This modified Beaufort scale is provided to help you determine wind speed for pesticide record-keeping purposes.

| Beaufort or force number | Wind speed (km/h) | Description |
|--------------------------|-------------------|--|
| 0 | Less than 1 | Calm: smoke will rise vertically. |
| 1 | 1–5 | Weather vane is inactive, rising smoke drifts. |
| 2 | 6–11 | Leaves rustle, can feel wind on your face, weather vane is inactive. |
| 3 | 12–19 | Leaves and twigs move around. Light-weight flags extend. |
| 4 | 20–28 | Moves thin branches, raises dust and paper. |
| 5 | 29–38 | Small trees move or sway. |

Note: This table only includes the lower wind speed portion of the Beaufort scale. The full Beaufort scale also includes higher force numbers, which describe stronger wind speeds.

Source: www.bom.gov.au

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