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ResearchReport

Pesticide Sales and Use Data Reporting Requirements in Select States

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Issue

Describe (1) pesticide sales and use reporting requirements and (2) any statewide public database with the reported information in Massachusetts, New York, and Vermont.

Summary

Massachusetts, New York, and Vermont all generally require people who apply or distribute certain pesticides to report to the state information about the pesticides they use or sell. New York also requires those manufacturing or importing certain pesticides to report.

The states vary in what information they require and whether they require reporting for all pesticides or only restricted use pesticides. ("Restricted use" pesticides are classified as restricted by the federal Environmental Protection Agency or the state because they may cause unreasonable adverse effects. Generally, the law does not permit unauthorized people to acquire and use these pesticides.)

As described below, each state annually makes available on its website certain data it requires pesticide applicators and dealers to report. New York and Vermont generally publish information about total pesticide sales and use aggregated by county and active ingredient. Massachusetts publishes information about each single reported pesticide use.

Massachusetts

Recordkeeping and Reporting Requirements

Applicators

Massachusetts regulations require certified commercial applicators, certified private applicators, and licensed applicators or their employers to keep records with the following information on each pesticide application:

1. application location and date,
2. the pesticide's brand or registered name and federal registration number,
3. the amount of pesticide applied,
4. the purpose for applying it,
5. application method,
6. the certified or licensed applicators involved in planning or carrying out the application,
7. any accidents or incidents related to the application that caused pollution,
8. the amount of carried liability insurance and the insurer's name, and
9. any illnesses or injuries caused or suspected to be caused by pesticides that were reported to the applicator.

Applicators must (1) keep these records for at least three years after the pesticide application date and make them available to the Massachusetts Department of Agricultural Resources (MDAR) upon request and (2) at least annually submit to MDAR records related to any pollution or illnesses or injuries caused by pesticide application. In addition, if an applicator learns of any significant incident causing pollution or illnesses or injuries, he or she must notify MDAR about it within 48 hours. MDAR may then report details about the incident to the Federal Pesticide Monitoring System and Environmental Protection Agency as appropriate.

The regulations also allow MDAR to require other annual reports and records as it deems necessary (333 CMR 10.14). According to the department's website, MDAR requires applicators to annually report the quantities of all pesticides used, and MDAR provides an online form applicators use to fulfill this requirement.

Any applicator who knowingly violates these provisions a second or subsequent time may be (1) fined up to $1,000, imprisoned for up to six months, or both, or (2) subject to a civil penalty of up to

$10,000. Each day a violation continues to occur constitutes a separate offense (333 CMR 10.16 & M.G.L. c. 132 B, § 14). Additionally, MDAR may, after providing notice and an opportunity for a hearing, suspend, deny, revoke, or modify any applicator's certificate or license if he or she violates these reporting requirements (333 CMR 10.10).

Dealers

State regulations require licensed dealers or their employees to keep records with the following information on each restricted use pesticide distribution:

1. name and address of the person or business to whom the pesticide was distributed;
2. license information, including number, category, and expiration date, of the person who purchased the pesticide;
3. the pesticide's product name and federal registration number, and any applicable emergency exemption or state special local need registration number;
4. the amount of pesticide distributed;
5. purchase date;
6. the purchaser's and their agent's signature; and
7. other information MDAR determines necessary.

Dealers must keep these records for five years and make them available to MDAR upon request. MDAR may require annual reports and records as it determines necessary (333 CMR 9.08). According to the department's website, MDAR requires pesticide dealers to submit annual sales reports for all restricted use products, and MDAR provides an online form dealers use to fulfill this requirement.

Any dealer who knowingly violates these provisions may be (1) fined up to $25,000, imprisoned for up to a year, or both, or (2) subject to a civil penalty of up to $25,000. Each day a violation continues to occur constitutes a separate offense (333 CMR 9.10 & M.G.L. c. 132 B, § 14). Additionally, MDAR may refuse to grant or reissue a pesticide dealer's license if he or she is found to have violated these reporting requirements (333 CMR 9.04).

Pesticide Use Database

MDAR posts on its website certain information it receives from certified or licensed applicators in their annual pesticide use reports. Specifically, the department makes available for each reported use a pesticide's name, federal registration number, active ingredient, and the amount used.

The database does not include other information applicators must submit to MDAR on their annual reporting form such as the applicator's name and license number, information about the company or farm using the pesticide, or indication of the crop or site treated.

Additionally, the department does not make annual restricted use sales information reported by dealers publicly available.

New York

Recordkeeping and Reporting Requirements

Applicators

Private. Private applicators must keep annual records of restricted use pesticide purchases and uses, including crops treated and the method and date of application. They must retain the records for at least three years and make them available to the state Department of Environmental Conservation (DEC) upon request.

Additionally, generally within six month after receiving a request, a private applicator must provide site-specific information on pesticide applications to certain researchers the law entitles to receive this information (N.Y. Env. Law § 33-1205(2)(b) & (c)).

Commercial. Commercial applicators must record and maintain for at least three years the following information for each pesticide application they perform:

1. product name and federal registration number,
2. quantity used,
3. application date, and
4. application location address.

By each February 1, they must report this information to DEC for applications performed in the prior calendar year.

Commercial applicators must also record for each pesticide application the (1) dosage rate, (2) application method, and (3) target organism. These records must be maintained on an annual basis, kept for three years, and made available to DEC upon request (N.Y. Env. Law § 33-1205(1)).

Dealers

Any person who sells or offers for sale restricted use pesticides to private applicators must give the private applicator a record with the following information when selling him or her a restricted use pesticide or general use pesticide for agricultural crop production:

1. product name and federal registration number,
2. quantity purchased,
3. purchase date, and
4. intended application location address.

Annually by February 1, dealers must report this information to DEC for pesticide sold in the prior calendar year (N.Y. Env. Law § 33-1205(2)(a)).

Importers and Manufacturers

People who manufacture, compound, or import restricted use pesticides must keep annual sales records with the following information for these products:

1. federal registration number,
2. container size, and
3. number of containers sold to New York purchasers.

Importers and manufacturers must report this information to DEC annually by February 1, and maintain their records for at least three years (N.Y. Env. Law § 33-1207).

Sales and Use Database

New York state law requires DEC to develop and maintain a pesticide sales and use database compiling all the information applicators, dealers, and importers and manufacturers must report to the department. The database must be updated annually, and the DEC commissioner must prepare an annual report summarizing (1) pesticide sales, (2) quantity of pesticides used, (3) applicator category, and (4) application region. The data must be categorized and reported by both federal registration number and active ingredient. The report must be posted on the department's website and submitted to the governor and legislature annually by December 31.

The law prohibits the commissioner, when compiling this data and preparing the annual report, from including the name, address, or any other identifying information for any (1) applicator, (2)

person who sells pesticides to a private applicator, or (3) person serviced by a commercial applicator. Additionally, the commissioner must not disclose certain proprietary information, including price charged per product (N.Y. Env. Law § 33-1201).

DEC maintains a website where those required to report pesticide sales and use can do so electronically, and, according to DEC's website, the department works with Cornell University to collect and validate the data applicators, dealers, and manufacturers and importers report. DEC details that process and data limitations here. Annual reports dating back to 1997 can be found here.

Vermont

Recordkeeping and Reporting Requirements

Applicators

Private. Certified private applicators must keep daily operational records with the following information for any restricted use pesticide applied:

1. date and time of application;
2. location of application, including size of the area treated, the crop, product, or site treated, and the pest targeted by the application;
3. the pesticide's brand or product name and federal registration number;
4. active ingredients in the pesticide;
5. the total amount applied per location per application;
6. the pesticide's restricted entry interval; and
7. name and certification number of the person who made or supervised the application, and, if applicable, the name of any noncertified applicator who made the application under a certified applicator's supervision.

Private applicators must maintain these records for three years and make them available to the Vermont Agency of Agriculture Food and Markets (VAAFM) secretary upon request (20-031-012 Vt. Code R. § 8.01 (2023)).

Certified Commercial and Non-commercial. Certified commercial and non-commercial applicators must keep operational records with the following information for any pesticide applied:

1. name and address for whom the pesticide was applied;

2. date and time of application;
3. location of application, including size of the area treated, the crop, product, or site treated, and the pest targeted by the application;
4. the pesticide's brand or product name and federal registration number;
5. the total amount applied per location per application; and
6. name and certification number of the person who made or supervised the application, and, if applicable, the name of any noncertified applicator who made the application under a certified applicator's supervision.

Certified applicators must maintain these records for three years and make them available to the VAAFM secretary upon request.

When they apply to renew their certification, certified applicators must also submit annual pesticide application reports to VAAFM detailing for any pesticide applied (1) its federal registration number and product name, (2) the amount applied, (3) the general purpose for applying it, and (4) the county where it was applied. These reports must be submitted regardless of if a certified applicator applied any pesticide in a given year, and if a certified applicator does not submit an annual report, his or her certification will not be renewed (20-031-012 Vt. Code R. § 8.02 (2023)).

Additionally, any licensed company that employs certified applicators must collect from the applicators their operational records, maintain them for three years, and make them available to the VAAFM secretary upon request. Licensed companies must submit to the secretary an annual pesticide application report with their company license renewal application before January first each year (20-031-012 Vt. Code R. § 8.04 (2023)).

Dealers

Restricted use pesticide dealers must keep and maintain records for any pesticide sales and make them available to the VAAFM secretary upon request. They must also keep records for each transaction where restricted use pesticide is distributed to someone (subject to certain exceptions). These transaction records must include the following information:

1. name and home or business address of the certified applicator to whom the pesticide was sold or distributed, or, if applicable, name and home or business address of the noncertified applicator to whom the pesticide was sold or distributed for application by a certified applicator;
2. certification number the applicator submitted to the dealer to authorize the purchase;

3. category of the applicator's certification and the certification's expiration date;
4. product name and federal registration number and any other state registration number, if applicable;
5. quantity distributed or sold in the transaction; and
6. transaction date.

Annually by January 31, when applying to renew their license, dealers must report to VAAFM on special permit and restricted use pesticides sold during the prior calendar year. The report must include the (1) products' name and federal registration number, (2) total amount of restricted use pesticide sold and (3) county of intended use (based on the applicator's county of residence). Dealers must submit annual reports regardless of if they sold any restricted use pesticides. Additionally, VAAFM may require dealers to report at times other than when they submit their annual reports (20-031-012 Vt. Code R. § 8.05 (2023)).

Pesticide Usage Reports

VAAFM annually publishes on its website commercial pesticide usage reports using data derived from the annual reports commercial applicators submit to the agency. For each year, VAAFM reports total statewide pesticide use by (1) treatment type (such as crops, pest control, or golf courses) and (2) active ingredient. The agency also reports county level use data broken down by both treatment category and active ingredient.

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