

DEPARTMENT OF AGRICULTURE
Office of Consumer and Environmental Regulation
(New Administrative Regulation)

302 KAR 26:030. Recordkeeping.

RELATES TO: KRS Chapter 217B

STATUTORY AUTHORITY: KRS 217B.050, 217B.105(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217B.050 requires the Department of Agriculture to promulgate administrative regulations to implement the provisions of KRS Chapter 217B. KRS 217B.105 requires the department to promulgate recordkeeping administrative regulations pertaining to KRS Chapter 217B. This administrative regulation establishes requirements for recordkeeping.

Section 1. Recordkeeping for Restricted Use Pesticide Distribution.

(1) Applicability. The provisions of this section shall apply to any person, including pesticide sales agents and dealers, distributing restricted use pesticides for use in an application.

(2) Any person who distributes restricted use pesticides shall maintain the following records with respect to the distribution of each restricted use pesticide:

- (a) Purchaser's name and address;
- (b) Date of the distribution;
- (c) License number, license expiration date, and license category of the person obtaining the restricted use pesticide;
- (d) Brand name, EPA registration number, quantity, and type of restricted use pesticide distributed;
- (e) Emergency exemption or state special local need registration number, if applicable; and
- (f) Name of target pest.

(3) Retention.

(a) All persons required to maintain records under this chapter shall retain the records for a period of at least three (3) years from the date of distribution.

(b) Maintenance of duplicate records shall not be required.

(4) Availability. All persons required to maintain records required under this section shall make such records available to the department upon request.

Section 2. Recordkeeping for Restricted Use and General Use Pesticide Applications.

(1) Applicability.

(a) The provisions of this section shall apply to any private applicator, dealer, structural pest management company, licensed operator, licensed applicator or trainee applying restricted use pesticides.

(b) The provisions of this section shall also apply to any private applicator, dealer, licensed operator, licensed applicator or trainee applying general use pesticides.

(c) Structural pest management companies and their associated licensed operators, licensed applicators and trainees shall keep records for applications of general use pesticides according to 302 KAR 26:030, Section 3.

(2) Private applicators, dealers, structural pest management companies, licensed operators, licensed applicators or trainees who apply pesticides shall maintain the following records:

- (a) Name and address of person receiving application services;
- (b) Location of application;
- (c) Size of area treated;
- (d) Crop, commodity, stored product, or type of area treated;

- (e) Time and date of application;
 - (f) Brand name or product name of pesticides applied;
 - (g) EPA registration number;
 - (h) Total amount of each pesticide applied per location per application;
 - (i) Name of person making the pesticide application.
 - (j) If application is made by a trainee, the name of the trainee;
 - (k) If application is made by a trainee, name and license number of the supervising applicator;
 - (l) Records required under 302 KAR 26:050 related to trainee supervision;
 - (m) Purpose of application; and
 - (n) Any other record as required by the label.
- (3) Retention.
- (a) All persons required to maintain records under this section shall retain the records for a period of at least three (3) years from the date of use or application.
 - (b) Maintenance of duplicate records shall not be required.
 - (c) If an application of a pesticide is made in the name of a person or business entity, then maintenance of only one (1) set of records for each application shall be required by that person or business entity, even though one (1) or more persons may have used or applied pesticides.
- (4) Availability. All persons required to maintain records required under this section shall make such records available to the department upon request.

Section 3. Recordkeeping for Structural General Use Pesticide Applications.

- (1) Applicability.
- (a) The provisions of this section shall apply to any structural pest management company and associated licensed operator, licensed applicator or trainee using general use pesticides in structural applications.
 - (b) Structural pest management companies and their associated licensed operators, licensed applicators and trainees shall keep records for applications of restricted use pesticides according to 302 KAR 26:030, Section 2.
- (2) Structural pest management companies and associated licensed operators, licensed applicators or trainees who apply general use pesticides in structural applications shall maintain the following records:
- (a) Name and address of person receiving application services;
 - (b) Location of application;
 - (c) A description of the use of the area where the pesticide application is made;
 - (d) Time and date of the pesticide application;
 - (e) Beginning and ending time of an application, if made in a school;
 - (f) Brand or product name of pesticides applied;
 - (g) Estimated amount of each pesticide applied
 - (h) The target pests to be treated;
 - (i) Name of person making the pesticide application.
 - (j) If application is made by a trainee, the name of the trainee;
 - (k) If application is made by a trainee, name and license number of the supervising applicator; and
 - (l) Records required under 302 KAR 26:050 related to trainee supervision.
- (3) Retention.
- (a) All persons required to maintain records under this section shall retain the records for a period of at least three (3) years from the date of use or application.
 - (b) Maintenance of duplicate records shall not be required.
 - (c) If an application of a pesticide is made in the name of a person or business entity, then maintenance of only one (1) set of records for each application shall be required

by that person or business entity, even though one (1) or more persons may have used or applied pesticides.

(4) Availability. All persons required to maintain records required under this section shall make such records available to the department upon request.

DR. RYAN QUARLES, Commissioner

APPROVED BY AGENCY: June 13, 2022

FILED WITH LRC: June 14, 2022 at 10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 23, 2022 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601, phone (502) 330-6360, email clint.quarles@ky.gov.