

WAC 296-307-14505 Recordkeeping for pesticide applications. (1)

If the employer applies pesticides, or has pesticides applied, related to the production of an agricultural crop, the employer must keep records for each application. The records must include the following:

(a) The address or exact location where the pesticide was applied or stored;

Note: If the employer applies pesticides to one acre or more, the location must be shown on the map on the required form for at least the first application.

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide applied;

(g) The total area to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual(s) making the application;

(i) The direction and estimated velocity of the wind at the time the pesticide was applied;

Exception: Wind information does not have to be recorded for applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the department.

(2) A commercial pesticide applicator must provide a copy of the pesticide application records to the owner or lessee of the lands to which the pesticide is applied. Pesticide application records may be provided on any form that includes all required information.

(3) The employer must update records on the same day that a pesticide is applied. The employer may use a copy as the record of the pesticide application. The employer must maintain the records for at least seven years after the date of the application.

(4) The employer must ensure that pesticide application records are readily accessible to employees and their designated representatives in a central location in the workplace. The records must be available beginning on the day the application is made and for at least thirty days after. The employee may view the pesticide application records and make their own record from that information.

(5) New or newly assigned employees must be made aware of the accessibility of the application records before working with pesticides or in an area containing pesticides.

(6) When storing pesticides, the employer must, at least once a year, perform an inventory of the pesticides stored in any work area.

(7) The pesticide inventory records must include the following information:

(a) The location where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(8) The employer must maintain a record of pesticide purchases made between the annual inventory dates.

(a) Instead of this purchase record, the employer may obtain from distributors from whom pesticides are purchased, a statement obligating the distributor to maintain the purchase records on the employer's behalf to meet the requirements of this section.

(b) The department may require the employer to submit all purchase records covering the purchases during a specified period of time or in a specified geographical area.

(9) When the employer ends all pesticide activities, the employer must file the records with the department. Anyone who succeeds or replaces the employer must retain the records required by this section, but that person is not liable for any violations the employer commits.

(10) The employer must ensure that the records required under this section are readily accessible to the department of labor and industries for inspection. The employer must also provide copies of the records on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries;

(b) Treating health care personnel; or

(c) The pesticide incident reporting and tracking review panel.

(11) The designated representative or treating health care personnel are not required to identify the employee represented or treated.

(12) The department of labor and industries will keep the name of any affected employee confidential according to RCW 49.17.080(1).

(13) When treating health care personnel request records under this section, and the record is required to determine treatment, the employer must provide copies of the record immediately. Information for treating health care personnel must be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, the employer must provide copies of the records within seventy-two hours.

(14) If requested, the employer must provide copies of records on a form provided by the department.

(15) If the employer suspects that an employee is ill or injured because of an exposure to one or more pesticides, the employer must immediately provide the employee with a copy of the relevant pesticide application records.

(16) If the employer refuses to provide a copy of a requested record, the requestor may notify the department of the request and the employer's refusal.

(a) Within seven working days, the department of labor and industries will request that the employer provide the department with all pertinent copies of the records, except that in a medical emergency the department will request within two working days.

(b) The employer must provide copies of the records to the department within twenty-four hours after we request.

(17) The department of labor and industries will inspect for the records required under this section as part of any on-site inspection of a workplace conducted under this chapter or chapter 49.17 RCW. The department will determine, during the inspection, whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, the employer's records will not be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping

violations are found, the department may conduct reasonable multiple inspections, according to department rules. Nothing in this section limits the department's inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If the employer fails to maintain the records, or provide access to or copies of the records required under this section, the employer will be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture will jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100. Pesticide application record forms can be found in chapter 16-228 WAC, General pesticide rules.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 20-21-091, § 296-307-14505, filed 10/20/20, effective 11/20/20; WSR 04-13-129, § 296-307-14505, filed 6/22/04, effective 8/1/04. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. WSR 01-17-033, § 296-307-14505, filed 8/8/01, effective 9/1/01. WSR 97-09-013, recodified as § 296-307-14505, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-22-048, § 296-306A-14505, filed 10/31/96, effective 12/1/96.]