

Pesticides Notification

Using pesticides on properties adjacent to sensitive places



This fact sheet is for pest management technicians and people employed by pest control businesses. It provides guidance on how to comply with new rules set out in the NSW Pesticides Regulation 2009, which will apply from 1 September 2009. The new rules mean that it is compulsory to notify sensitive places when pesticides are sprayed or injected on adjacent properties. Sensitive places are schools or preschools, kindergartens, childcare centres, community health centres and nursing homes. People attending these places may be more sensitive to some effects of nearby pesticide use than the general population.

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

Under the amended Pesticides Regulation, you will need to provide advance notice to a neighbouring sensitive place, when you propose to **spray** outdoors or **inject liquid pesticides** into the ground outdoors, within 20 metres of any property that has a common boundary with a sensitive place. You must provide at least five working days advance notice (less notice may be given in an emergency).

Requirements to give notice of pesticide treatments in common areas of multiple occupancy residential complexes are outlined in a separate fact sheet (visit www.environment.nsw.gov.au/pesticides/pesticide_notification.htm).

You do not need to give notice of:

- other sorts of pesticide use such as laying solid or enclosed baits
- indoor treatments on adjoining properties.

What should I do before I can begin a pesticide job?

The Regulation requires that notice be given if a neighbouring sensitive place can reasonably be identified.

If you are unfamiliar with a job site, you can commonly identify a sensitive place by:

- confirming the address of the proposed treatment and asking the person arranging the pesticide application if they know of any sensitive places next door or immediately behind the location where the pesticide is to be sprayed or injected
- checking a current street directory which usually shows the location of schools and nursing homes
- checking for neighbouring sensitive places using online search facilities, such as:
 - the NSW Health Services directory – visit www.health.nsw.gov.au/services/index.asp – which

lists the name and contact details of nursing homes, community health centres and hospitals

- the 'My neighbourhood' search facility – visit www.raisingchildren.net.au – which shows local schools, preschools, kindergartens and childcare centres
- the Department of Environment and Climate Change (DECC) website – visit www.environment.nsw.gov.au/pesticides/pesticide_notification.htm – which contains links to these and other useful websites.

If there is no sensitive place adjoining the premises where the job is to take place, there are no mandatory neighbour notification requirements.

What information do I have to give to the sensitive place?

Notice should be directed to the **person in charge** of the neighbouring sensitive place, for example, the school principal, director or manager. You do not need to know their name.

The notice must include information about:

- the full name of the pesticide
- the reason why the pesticide is being used (e.g. what pest is being treated)
- the proposed date, dates or date range of use
- where the pesticide will be used
- any re-entry requirements that are on the pesticide label or permit
- your contact details or the contact details of your office.

Notice may be delivered in person, or by email, fax, letter box drop or post. You do not need to verify that it has been received. If using the postal system, you will need to allow extra time for delivery.

Copies of the relevant **material safety data sheet** (MSDS) must be provided as soon as practicable, if the person you have provided the notice to requests them.

What if the pesticide treatment is delayed?

If the treatment is delayed, you should consider whether the notice to the neighbouring sensitive place about the planned pesticide treatment remains valid, e.g. in terms of the proposed date(s), or needs to be reissued.

What if there is an emergency situation?

Emergencies are considered to be infestations of biting or dangerous pests such as wasps, bees, venomous spiders, rodents and bird mites that may pose health or safety risks to residents. You do not have to provide five working days notice of pesticide treatments made in emergency situations. However, you **must still provide notice before you carry out the job**.

You **must** also note the specific circumstances of the emergency pesticide application in your records.

For example:

The owner of a restaurant located next to a primary school contacts a pest technician by phone to arrange for a treatment around the restaurant's exterior waste collection area. The treatment is for cockroaches and other insect pests.

In discussing the prospective job over the phone, the restaurant owner advises that there is a primary school on one side of the property, but is uncertain of their contact details. The pest technician explains that there is a legal obligation to provide them with at least five working days prior notice.

Using a current street directory and an online directory, the pest technician establishes the name and contact numbers of the school, and faxes through information about the upcoming pesticide treatment for the attention of the school principal.

On receipt of the advance notice, the school principal notes that the proposed application area is remote from classrooms but is relatively near the school's cricket practice nets. The principal passes this information on to teachers that may use the nets.

Sample pesticide application

Notice regarding planned pesticide treatment to 54 Severn Hills Road, Severn Hills, NSW 2999

A pesticide application to the above property will take place on 9 March 2010.

- **Full name of pesticide product:** Biflex Termiticide & Insecticide
- **The pesticide is being used to treat:** webbing spiders
- **The pesticide will be applied to:** all eaves, external walls and fencing
- **Re-entry period restrictions:** nil for adjoining properties. In accordance with the Biflex Termiticide & Insecticide label, residents (including pets) are advised not to enter the above premises through any treated areas until the pesticide spray has dried.
- **The pesticide will be applied by** Rob Jones, Responsible Pest Services. Phone: (02) 8626 6556 or 0444 222 111.

Information about this notice

When pesticides are to be sprayed or injected outdoors on properties adjacent to a school, kindergarten, childcare centre, nursing home or community health centre, the NSW Pesticides Regulation requires that advance notice be given.

Date of notice: 2 March 2010

What happens if I do not comply?

Strict penalties may apply if you are unable to show evidence that notification was provided when applying pesticides in circumstances 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 to more serious offences.

Are there any other circumstances where I should give notice?

Pest management technicians must also give notice of treatments to common areas of multiple occupancy residential complexes (see the separate industry guidance fact sheet on these requirements).

Additionally, apart from mandatory requirements, it is good practice to give notice when you are aware that other potentially sensitive populations or residents may be located adjacent to a proposed outdoor treatment. For example notification may be prudent when the neighbouring property is a hospital where areas used by patients are near the area of treatment.

Where can I get more information?

More information about notification, including a sample notification template and links to online information resources about sensitive places, is available by calling DECC's Environment Line on 131 555 (cost of a local call) or on the DECC website at www.environment.nsw.gov.au/pesticides.

Fact sheets dealing with other notification requirements for pest technicians, record keeping and other pesticide application issues are also available on the website.

See the Pesticides Regulation for full details of the notification requirements. A copy of the *Pesticides Act 1999* and the Pesticides Regulation can be obtained from the NSW Government Printing Office or viewed on the NSW Government website at www.legislation.nsw.gov.au.

