

<p>ARIZONA DEPARTMENT OF AGRICULTURE</p> <p><u>SUBSTANTIVE POLICY STATEMENT</u></p> <p>PEST MANAGEMENT DIVISION</p> <p>Business licensee and political subdivision recordkeeping and retention for <i>restricted use</i> pesticide records A.A.C. R3-8-503(B)(10)</p>	<p>DIVISION/ PROGRAM PMD</p> <hr/> <p>SP23-01</p> <hr/> <p><i>Jeff Grant</i> SIGNATURE</p> <hr/> <p>June 23, 2023 DATE</p> <hr/>
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This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes (“A.R.S.”) § 41-1033, for a review of the statement.

1. BACKGROUND

Arizona Administrative Code (AAC) requires that a business license holder and political subdivision shall make and maintain pesticide records. However, AAC R3-8-503(B)(10) also requires that restricted use pesticide (RUP) records shall be *separately maintained* from other pest control records. There are over 1,350 pest control companies and some 7,500 applicators. These license holders perform thousands of pesticide applications a year. Most of those applications include rodenticide applications. However, the EPA has announced that all rodenticides will be classified as RUPs by 2024. This would mean that, if each applicator annually performed 1000 applications involving both a pest control application and a rodenticide application, 2000 rather than 1000 records would be required to be kept by an applicator. These records would also have to be filed in two separate retention systems, despite the fact that the applications may have been performed at the same address. This would result in a burden to licensees, including the need for additional programming for companies who purchase record keeping software and additional staff to make and retain those records.

A.A.C. R3-8-503(A)(B)(C) and (D) already require that pest control records must be made and maintained. The agency finds no reason for two separate filing systems to be established for information that could exist in the same filing system (or customer folder).

2. POLICY

Until further notice, and unless the Arizona Department of Agriculture (“Department”) receives evidence to believe that RUP records are not being retained along with regular pesticide records, the Department will not enforce the requirement that RUP records shall be retained separately from regular pest control records.

3. EFFECTIVE DATE

This Substantive Policy Statement is effective as of the date indicated above.