

C.R.S. 35-10-111

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) ***

PROPOSED AMENDMENTS TO RECORD KEEPING OF PESTICIDE APPLICATIONS

DRAFTED 19 APRIL 2015

TITLE 35. AGRICULTURE
PEST AND WEED CONTROL
ARTICLE 10. PESTICIDE APPLICATORS' ACT

C.R.S. 35-10-111 (2013)

35-10-111. Record-keeping requirements

(1) Applicator Records - Each commercial, registered limited commercial, licensed private, and registered public applicator shall keep and maintain records of each pesticide application in the form and manner designated by the commissioner, and as required by this Section 111 (2) below. Such records shall be retained for a period of three years after the date of the pesticide application and shall be kept at the address specified in the application for the commercial applicator's business license or, in the case of registered limited commercial and registered public applicators, at the address specified in the registry authorized in section 35-10-109 or, in the case of licensed private applicators, at the address of record on file with the commissioner.

(2) State Data Base of Pesticide Applications - The Commissioner shall establish a permanent statewide data base of all pesticide or device applications made by all applicators which shall encompass commercial applicators, limited commercial applicators, public applicators and private applicators, as such categories are defined by this act CRS 35-10. The state data base shall be a computerized record that is automatically and securely logged by all registered applicators within 24 hours of every application of pesticides, including all general and restricted use pesticides. Furthermore, the data base shall be publically available in near real time, totally transparent for public and private use for any purpose, including but not limited to educational, scientific, medical, public health, worker safety and protection, environmental/ecological, and enforcement purposes. The data base shall be searchable and sortable by any data base element or combination of elements. The data included shall be: applicator identification, license number (where applicable), trade name and pesticide chemical names/registration numbers, rates and amounts of pesticides and/or devices applied, purpose of application, crop and timing relative to harvest date, pests to be controlled, date and time applied, GPS coordinates of application area and property name/owner, weather conditions relevant to issues of drift or dispersion offsite, method of application (including seed dressing), proximity to waters, schools, registered chemically sensitive person, daycare and hospital/medical facilities, and other relevant information.

(3) Failure to timely or accurately log data by applicators shall be subject to enforcement and penalties under Sections 35-10-120, 35-10-121, 35-10-122 and 35-10-123.

(3) Funding for establishment, maintenance and operation of the Pesticide Application Data Base shall be provided by applicator license fees.

(4) Pesticide Application Data Base shall be established and fully operational no later than January 1, 2016. Access to the data base shall be via convenient links from the Internet website of the Colorado Department of Agriculture.

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Commentary Notes:

(a) Currently, there is no data base of what pesticides are used in the state of Colorado. This void prevents meaningful research into the extent, purposes, necessity of uses of pesticides. There is currently no valid way to conduct public health effects research such as epidemiological studies, or to conduct fate and environmental assessments, and public enforcement of misapplications or illegal applications. In short, state and local governments charged with the duty to protect public health and welfare and environmental protection have no way to know what pesticides are being dispersed/used. Even this data base is incomplete since it does not cover applications made by individual homeowners of general use pesticides. These users are currently not covered by 35-10 and do not fall within the definition of "private applicator". This data base would encompass private agricultural applicators, and currently unregistered and unlicensed public applicators, as well as all registered licensed applicators. It should be noted that when properly and efficiently established, this data base will not impose additional burdens on licensed applicators since they are already required to keep records of their applications. This method should in fact provide a more convenient method for record keeping for licensed applicators. They would enter at the completion of each day's work the data into a computer system, and they could then download their own reports for local records. Other states have computer data bases of pesticide applications that could be the model or template for a Colorado system, perhaps even code acquired from other states or their contractors instead of building a data base system from scratch.

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Editor's note: This section is similar to former § 35-10-111 as it existed prior to 1990.

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