

not apply to records maintained for greenhouse and nursery applications.

The reduced requirements for recordkeeping information for "spot applications" were intended to provide certified applicators with an incentive to record small spot applications on noxious weeds or similar type applications, without recording each location, due to the usually small amount of pesticide associated with a spot application.

After concerns were raised that the required spot application record information was not adequate for medical treatment because a specific location was not required to be recorded for each spot application, AMS proposed to delete section 110.3(a)(6), the spot application record element. By deleting section 110.3(a)(6), spot applications would be recorded in the same manner as all other federally restricted use pesticide applications.

AMS received 35 comments addressing the deletion of the spot application provision. Comments which supported the deletion of the spot application provision generally stated that specific locations can provide important information for medical treatments. For example one commentator stated, "In cases where an individual may have been poisoned by a spot application, it may be critically important to know the specific location of the application."

Comments opposing the proposed change stated that it would be extremely difficult to record the specific location of a spot application. For example one commentator stated that "It would be very difficult, if not impossible, to provide the exact legal description of the area treated." Other commentators were concerned that the proposed change would be extremely burdensome to certified applicators, increase their workload and operating costs, and therefore have an economic impact. Other commentators stated that if the recordkeeping requirements become too burdensome, the net result would be non-compliance.

AMS recognizes the importance of location information where an entire field or area has been treated. AMS also recognizes that, in some instances, knowing that a spot application was performed could be valuable information when needed to determine if a possible pesticide exposure could have occurred in a field or area.

Moreover, because the purpose of a spot application is to apply pesticide to a small area targeting a specific pest, such as noxious weeds or an ant mound, it would be impractical to require certified applicators to supply a precise

description of each application within a field or production area, in order to make an exact determination if a possible pesticide exposure occurred.

In order to provide information on the location of spot pesticide applications, and avoid a cumbersome recording requirement for such spot applications, this final rule maintains the spot application provision in the regulations, but requires a more detailed description of the location of spot applications to be recorded than is currently required by section 110.3(a)(6). This final rule requires the certified applicator to provide location, designated as "spot application," followed by a concise description of the location and treatment for spot applications of a federally restricted use pesticide. For example, a certified applicator who applied pesticides for noxious weeds could record the location and treatment as "spot application," followed by a concise description such as "treated thistle over entire farm acreage;" a certified applicator who treated for fire ants could record the location of the application by stating "spot application, sprayed fire ant mounds on pastures of lower creek farm." The description of the location of spot applications should assist licensed health care professionals to determine whether an individual has been exposed to a federally restricted use pesticide.

Additionally we are making other changes for clarification and consistency between the recordkeeping requirements for spot applications and those for other applications set forth at section 110.3(a)(1-5) which is redesignated in this final rule as section 110.3(a). We are amending section 110.3(a)(6)(iv) from "the date of application" to "the month, day, and year on which the restricted use pesticide application occurred." This language is consistent with that used in section 110.3(a)(4).

Accordingly, this final rule amends the spot application provision in section 110.3(a)(6), which is redesignated in this final rule as section 110.3(b), to require certified applicators to maintain records of applications of restricted use pesticides made on the same day in a total area of less than one-tenth (1/10) of an acre. These records must include, for the application, the brand or product name and EPA registration number; total amount applied; location, designated as "spot application," followed by a concise description of location and treatment; and the month, day, and year on which the restricted use pesticide application occurred. This final rule does not change requirements as previously established for greenhouse

and nursery applications of restricted use pesticides. The provisions for spot applications do not apply to applications of restricted use pesticides in greenhouses and nurseries. Instead, certified applicators who make applications in greenhouses and nurseries are required to keep all the data elements required by section 110.3(a).

Section 110.3(b)—Time for Making an Official Record

The current regulations provide that the information required for a record shall be recorded within 30 days following the pesticide application.

Concerns were raised regarding the accuracy of the records for both collecting information for a pesticide use data base and for medical treatment if application information was only required to be recorded within 30 days following the pesticide application. AMS responded by proposing that a record of the application of a restricted use pesticide be made within 7 days following the pesticide application.

AMS received 41 comments on this issue. Comments ranged from suggestions that a record be completed upon application, within 24 hours, shortened to 2 days, 3 days, 5 days, 14 days and maintained at the 30 day time period.

Some commentators supported requiring certified applicators to record the required pesticide information within 7 days or less after application of the pesticide in order to have information available for medical treatment of possible pesticide exposure. AMS supports the need to have accurate information available in cases of medical treatment and has addressed these concerns by requiring in section 110.5(a), as amended by this final rule, that certified applicators provide the record information promptly to the attending licensed health care professional when necessary to provide medical treatment or first aid, and immediately when the attending licensed health care professional determines that there is a medical emergency.

AMS disagrees with those commentators who stated that pesticide application information must be recorded shortly after the pesticide has been applied so that it can be available for medical treatment. The current regulations require certified applicators to provide accurate record information for purposes of providing medical treatment or first aid, in accordance with section 110.5(a), whether or not the time to make a written record has elapsed. This final rule amends the