

## new law for training people who use pesticides in their work

From 1 September 2003 there are new rules under the *Pesticides Act 1999* that make training compulsory for commercial users of pesticides.

Pesticides can be dangerous if incorrectly applied or managed, especially to those people who work with pesticides or are regularly exposed to them. Training in their correct use will minimise mistakes being made when using pesticides. It is one of the most effective ways of protecting workers who use pesticides regularly, their families, the community, trade and the environment.

This guidance sheet explains what you must do to comply with these new rules. If you apply pesticides as part of your **job** or **business**, or use other people to apply pesticides, then you need to follow these rules.

### *What does the new law say?*

- People who use pesticides **in their business or as part of their job** must be trained in how to use those pesticides.
- You must not employ or engage a person to use pesticides unless that person is trained.
- A person who is 'trained' has a qualification that shows that they have achieved a specific level of competency in pesticide use.
- Someone who has already done Farmcare, ChemCert or SMARTtrain training is already qualified. This qualification remains valid for five years from the date it was completed.
- People who do not have the required qualification have two years to get trained or have their current skills recognised.
- People who are qualified have to be re-assessed every five years.

Environment  
Matters



pesticides

40



ENVIRONMENT PROTECTION AUTHORITY



## *Who must be trained?*



You must be trained if you use pesticides as part of your job or business. For example, if you apply pesticides:

- as a landlord or on behalf of a landlord
- for a local council, government agency or statutory authority
- to a golf course, sporting field or bowling green
- as part of aquaculture and forestry operations
- as part of any commercial agricultural and farming operation, including broadacre farming, horticulture, livestock, market gardening, flower growing, plant nurseries or activities such as fumigating silos or laying baits
- as part of a business, (e.g. a marina, landscape gardening or wood preservation).

## *What sort of training is needed?*

Training is required in the use of all types of pesticides, including herbicides, insecticides, fungicides, bactericides, baits, lures and rodenticides (rat poison).

There is a range of training available to suit all types of pesticide users. In most cases the training involves a two-day course, based on the National Agriculture and Horticulture Training Packages. You can also become qualified by demonstrating to a registered training organisation that you know how to use pesticides in your job or business.

If you are working as a pest management technician under WorkCover NSW legislation or as an aerial applicator under the *Pesticides Act 1999* this new law does not apply to you. There are separate training requirements necessary for this work.

## *How soon will I need to be trained?*



A two-year phase-in period has been provided to give all pesticide users enough time to obtain training or assessment.

This means you or your employees will need to be trained by **1 September 2005**.

## *What are an employer's responsibilities?*

After 1 September 2005, you must not employ or engage a person to use pesticides unless that person is correctly trained. An exemption may apply in some agricultural situations for people who use pesticides on an occasional basis. A separate [information sheet](#) explaining this exemption is available from the EPA.

## *Where can I find out about training?*

Information on training courses, providers and assessors is available on the EPA's website at [www.epa.nsw.gov.au/pesticides/trainers.htm](http://www.epa.nsw.gov.au/pesticides/trainers.htm) or by calling the EPA's Pollution Line on 131 555. General information on training is available from the National Training Information Service at [www.ntis.gov.au](http://www.ntis.gov.au).

## *Will I need to be retrained in the future?*

Every five years you will need to demonstrate that you understand how to use pesticides correctly as part of your job.

## *What if I have already done some training?*

If you already have:

- a certificate under the Farmcare Australia Farm Chemical User Training program, ChemCert Farm Chemical User Training program, or
- a Statement of Attainment under the SMARTtrain Chemical Safety course, SMARTtrain Chemical Application course, SMARTtrain Managing Chemical Use course or the SMARTtrain Chemical Risk Management course,

you do not need to be trained again until five years after that certificate or statement was issued.

## *I only use small quantities of pesticides in my work – do I have to be trained?*



You do not need to be trained if you only use small quantities of household pesticides as part of your business or work, provided

that you do **all** of the following:

- you only apply pesticides that are ordinarily used for domestic purposes (e.g. in the home or garden), **and**
- are widely available to the general public at retail outlets such as supermarkets, **and**
- you apply the pesticide by hand or by using hand-held equipment, **and**
- if you use the pesticides outdoors, you use no more than 5 litres/5 kilograms of concentrate or 20 litres/20 kilograms of ready-to-use product, or
- if you use the pesticides indoors you use no more than 1 litre/1kilogram of concentrate or 5 litres/5 kilograms of ready-to-use product.

## *What happens if I do not comply?*

EPA officers may, at any reasonable time, ask for evidence of training. Strict penalties may apply if you are unable to show evidence that you hold a training qualification under the Pesticide Regulation 1995. Penalties may also apply if you misuse a training qualification.

## *For more information*

Fact sheets on a range of the activities mentioned in this guidance sheet are available on the EPA's website at [www.epa.nsw.gov.au/pesticides/](http://www.epa.nsw.gov.au/pesticides/) or can be obtained by calling the EPA's Pollution Line on 131 555 for the cost of a local call from anywhere in NSW.

If you are not sure whether you should be trained, or if you have further questions about compulsory training, you can contact the EPA pesticides staff on (02) 9995 5799, or call the EPA's Pollution Line on 131 555.



ENVIRONMENT PROTECTION AUTHORITY

Environment Protection Authority  
59–61 Goulburn Street  
PO Box A290  
Sydney South NSW 1232  
Phone: (02) 9995 5000 (switchboard)  
Phone: 131 555 (information and publications requests)  
TTY: (02) 9211 4723  
Fax: (02) 9995 5999  
Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
Web: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

ISBN 1 74137 010 8  
EPA 2003/86  
EM 40–PESTICIDES  
August 2003

Printed on recycled paper

*Environment Matters* is a series of information sheets covering a range of environmental topics such as water, waste and air as well as pesticides.