

new law for notifying residents about pesticide use in multiple occupancy residential complexes



From 1 February 2007 changes to the Pesticides Regulation 1995 will make it **compulsory to notify** people when pesticides are used in the common areas of **multiple occupancy residential complexes**.

The changes are based on the principle that people have a basic right to know when part of their place of residence is treated with pesticides. Notifying people about pesticide use means they can make informed decisions, for example, residents might choose to avoid a common area that has been recently treated. If they are aware that a pesticide application is about to take place, they can choose to close their windows or take in their washing.

Notifying residents about pesticide use before it happens does not mean that they can prevent the use of pesticides in the area. The aim of notification is to allow people to choose to reduce their exposure to pesticides if they wish.

This information sheet explains what **strata managers** or **property managers** and **pest management technicians** need to do to comply with the new rules.

What does the new law say?

From 1 February 2007, pest management technicians cannot treat common areas of multiple occupancy residential complexes with pesticides unless residents have been given notice. **Notice must be given to residents before and during a pesticide application.** The **person or company organising the treatment** (for example, the strata manager, property manager and/or real estate agent) is responsible for giving residents at least **5 working days' notice before** a pesticide application takes place. **Pest management technicians** are responsible for giving residents notice **while a pesticide application is taking place.**



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What is a multiple occupancy residential complex?

Multiple occupancy residential complexes include:

- flats
- units
- townhouses
- caravan parks with long-term residents
- other multiple occupancy domestic and residential complexes, but not dual occupancies.

A full definition of the residential complexes affected by the new law is in clause 11Q of the Pesticides Regulation.

What are common areas?

Common areas include foyers, hallways, stairwells, share laundries and car parks, but can also include roof cavities or under-floor space. They also include the exterior of a building and usually include gardens, pathways and fences.

What must I do to notify residents if I am a strata or property manager?

If you are a strata or property manager or are responsible for organising pest treatments at a multiple occupancy residential complex, you need to notify residents at least **5 working days before** a pesticide is applied to any common areas. You must give notice:

- to each individual resident in person (or by fax, email or telephone), or
- by placing a written notice in each resident's letterbox, or under each resident's door, or
- by placing written notices on the main notice boards at the residential complex and at the main entrances and exits to each building in the complex.

Once you have given residents 5 working days' notice, you need to give your pest management technician the earliest date that they can start treating the complex with pesticides. Remember, if you don't take this step and a pest management technician applies pesticides before the legal notice period has passed, you could be fined.

You must keep a paper copy of any written notice you give. If notice is given by phone or in person, you must make a written diary entry recording the call or conversation and who you spoke to. The records must be kept for 3 years.

What should the notice say?



When you are organising the use of pesticides, you need to talk to the pest management technician to find out how and where they plan to use the pesticide. You need to get the following information from your pest management technician and include it in the notice you give residents:

- the **full product name** of the pesticide that will be used, **and**
- **why** the pesticide is being used (e.g. what pests are being treated), **and**
- **where** the pesticide will be used in and around the complex, **and**
- the **date** or range of dates when the pesticide use is planned, **and**
- any **re-entry requirements** that are on the pesticide label or permit, **and**
- the **contact details** of the person, or their office, applying the pesticide.

How do I notify residents if I am a pest management technician?



Before starting a job at a multiple occupancy residential complex, you need to give the strata or property manager all the details listed above about how and where you plan to use the pesticide.

Remember, before you can begin working on a job, you should confirm with the strata or property manager (or any other person who arranges the pest treatment) that all residents have been given at least 5 working days' notice about the use of pesticides in the complex.

When you are ready to commence the pest treatment, and **before you begin applying the pesticide** in any common area, you must **notify residents** of the pesticide used. The notice needs to be easily seen by residents. In practice, this means putting up a notice on the main notice boards and main entrances and exits to each building. You must also put up a notice on the main entrance to the property if a pesticide will be applied to the outside of the building, or on paths, fences, gardens or other external areas.

The notice must continue to be displayed while the pesticide is being used and for the length of time during which the area should not be entered. If you are using a pesticide baiting program and notice has already been given of the program, you do not have to give extra notice for any second or subsequent installation of pesticides in baits if it is part of the ongoing baiting program.

What should the notice say?

Your notice should provide the same information covered in the notice put up by the strata or property manager. It should include:

- the **name** of the pesticide you are using, **and**
- **why** the pesticide is being used (e.g. what pests are being treated), **and**
- **where** the pesticide will be used in and around the complex, **and**
- the **date** or range of dates the pesticide is being used, **and**
- any **re-entry requirements** that are on the pesticide label or permit, **and**
- the **contact details** of the person, or office, applying the pesticide.

You can also **add extra information** if you wish. When you write up your report of having used pesticides at a multiple occupancy residential complex, you should make sure you include a record of the notice given to residents (that is, when and where you put up notices). You must keep a paper copy of the notice for at least 3 years after it is given.

You should have a copy of the relevant **material safety data sheet (MSDS)** for the pesticide that is being used, so residents can read it if they wish. If a resident requests an MSDS from you, then you must provide them with a copy. Failure to provide an MSDS to a resident, if requested, is an offence.

Can I get help preparing a notice?

Yes. The Department of Environment and Conservation (DEC) has developed two simple documents:

- a notice template – all you need to do is fill in the blanks
- an example notice – this gives examples of the kind of information that needs to be included in a notice.

You can get a copy of the notice template and the example notice from DEC's website (www.environment.nsw.gov.au/pesticides/) or through DEC's Environment Line, phone 131 555.

You do not have to use the notice template DEC has developed – it has been provided as a guide only.

What about emergency situations?

If a pest emergency occurs and pesticides need to be used in any common area of a multiple occupancy residential complex, then it is not necessary for strata or property managers to give residents prior notice, but it is still necessary for the pest management technician to **give notice immediately prior to the application of the pesticide**. A sudden infestation of dangerous, biting or stinging pests such as rodents, wasps, bees, venomous spiders and bird mites would be regarded as a pest emergency.

In such situations the pest management technician (not the property manager) must still give notice to residents before the application occurs. Notice should be given in the manner described previously (putting up notices on notice boards and at entrances) and a record of the notice given to residents should be kept. The pests **must** be biting or dangerous for it to be considered an emergency.

When will the new requirements begin?



From **1 February 2007** all strata and property managers and pest management technicians must give notice, as described in this information sheet, before a pesticide is used in the common areas of multiple occupancy residential complexes.

What happens if the new requirements are ignored?

If a pesticide is applied in any common area of a multiple occupancy residential

complex without notice being given to residents, on-the-spot penalty notice fines of \$800 for corporations or \$400 for individuals may apply. For serious offences, court imposed fines of up to \$44,000 could apply to corporations and fines of up to \$22,000 could apply to individuals.

Where can I get more information?

Fact sheets dealing with specific notification responsibilities for arranging and carrying out pesticide applications to multiple occupancy residential complexes are available on the DEC's website at www.environment.nsw.gov.au/pesticides/, or by calling DEC's Environment Line on 131 555 (cost of a local call from anywhere in NSW). If you are not sure whether this new law affects you, DEC staff will be happy to advise you. See the Pesticides Regulation 1995 (available at www.legislation.nsw.gov.au) for full details on notification requirements.

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