

Certified Nursery &
Landscape Professional

C N L P



Training Manual

**New York State Nursery &
Landscape Association**

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New York State Nursery & Landscape Association

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PESTICIDE USE IN THE LANDSCAPE

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Pesticide Use in the Landscape

Introduction

The ability to use pesticides for hire in New York State requires a pesticide applicators license. While this chapter reviews some of the basics involved with pesticide use, it is imperative that you obtain and maintain a New York State Pesticide Applicators License in order to apply pesticides as a service.

Regulatory Authority

The New York State Department of Environmental Conservation (DEC) is the agency responsible for administering and enforcing New York State pesticide laws. Article 33 of the Environmental Conservation Law (ECL) provides the general framework for the distribution, sale, use and transport of pesticides in New York.

Companies looking to add pesticide distribution, sale, use and transport as a service in New York are required to take a New York State Certified Pesticide Applicators course and maintain credits for specific uses.

For more information about how to become a NYS Certified Pesticide Applicator as well as New York State pesticide regulations follow this link:

<https://www.dec.ny.gov/permits/45618.html>

More information about New York State pesticide regulations and restrictions along with other related topics can be found on the DEC website at:

www.dec.ny.gov/chemical/298.html.



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Pesticide Application Types

Residential Applications

A residential pesticide application is the application of general-use pesticides by ground equipment on property personally owned or leased by the applicator. This does not include any establishment that sells or processes food or any residential structure other than the specific dwelling unit in which the applicator resides. You do not need to be certified to make a residential application.

Private Applications

A private pesticide application is the application of any pesticide for the purpose of producing an agricultural commodity:

- On the property owned or rented by the applicator or the applicator's employer.
- If applied without compensation (e.g., money) other than the barter of personal services between producers of agricultural commodities, on property owned or rented by a party to such a transaction.

In New York, a certified private pesticide applicator can buy, use, or supervise the use of restricted-use pesticides for a private application. An uncertified applicator can use a restricted-use pesticide for a private application only under the direct supervision of a certified private applicator.

Commercial Applications

A commercial pesticide application is any pesticide application that is not defined as private or residential. The DEC regulations, Part 325, establish a three-tiered classification for individuals involved in commercial pesticide applications:

1. Commercial Pesticide Apprentice
2. Commercial Pesticide Technician
3. Commercial Pesticide Applicator

For in depth information on applicator classifications and certification requirements follow this link: <https://www.dec.ny.gov/permits/45618.html#Commercial>

More and more application forms can be filled out and submitted online.

First you need a NY.gov ID account.

This provides a secure electronic access to these services (and many others including DMV, DOL, and Tax services)

Once you have a NY.gov ID you can log into NForm and access these forms:

Pesticide Applicator and Technician Renewal

Pesticide Certification Exam Registration

Request a Replacement Certification Identification Card or Update Contact Information

Click Logo to Visit NYSPAD Site

NOTE NYSPAD requires use of Chrome, Microsoft Edge, or Firefox browsers.



Pesticide Business Registration

A pesticide business is any person or business that offers commercial pesticide application services for hire. Pesticide businesses must register with the DEC. To register a pesticide business, the business must:

1. Employ one or more certified commercial pesticide applicators or technicians, certified in the category in which the business offers services. A certified commercial pesticide applicator is required if the business offers services in any of the following categories: Industrial, Institutional, or Structural; Aquatics; Agriculture; or Aerial.
2. Meet minimum general liability insurance requirements set by the State for individual and per incident bodily injury and property damage, or hold a surety bond of comparable value, issued by an insurance company licensed to do business in the State of New York.
3. Pay a registration fee.

Basics of Certification, Registration, & Compliance

Certified Applicator Identification

All certified applicators and technicians must have a valid certification identification card on their person when applying or selling pesticides. The DEC will also provide certified commercial applicators with numbered stickers (in sets of two) to display on opposite sides of each piece of commercial application equipment or each vehicle used to transport such equipment. However, stickers are not required on small, hand-held or portable equipment or on noncommercial-type vehicles. If such vehicles are transporting small quantities of pesticides or portable application equipment and if displaying the stickers would change the vehicle rating and thereby limit vehicle access to transportation routes normally used.

Sale of Restricted - Use Pesticides

Any person or company wanting to sell or distribute (for sale in New York) restricted-use pesticides must first obtain a commercial permit from the DEC. A separate permit is required for each location from which a company sells or



distributes (for sale in New York) restricted-use pesticides. To obtain a permit, the person or company must employ a certified pesticide applicator.

A commercial permit holder may sell or distribute restricted-use pesticides only to another commercial permit holder, a special purchase or use permit holder or a certified pesticide applicator. Note that while a commercial pesticide apprentice or certified commercial pesticide technician can use certain restricted-use pesticides under the direct supervision of a certified pesticide applicator; only the certified applicator can actually purchase restricted use pesticides.

Pesticide Registration

In addition to being registered by the EPA, pesticide products must also be registered by the DEC before they can be offered for sale, distributed for sale, sold, used or transported for use in New York State. Note that the DEC might choose to register a product for fewer uses or with greater restrictions than under the federal registration. Likewise, the label on a product sold for use in New York State might be different than the label on the same product sold for use in a neighboring state.

The DEC registers pesticides for a 2-year period, after which the registration must be renewed. If the registration is suspended or is not renewed, the pesticide may no longer be offered for sale, distributed for sale, sold, used or transported for use in New York.

Local Restrictions

Please note that there are some regional restrictions for the sale and use of pesticides so you must be sure that they are legal for sale and use in your area.

You can get a list of pesticides that are currently registered for sale and use in New York State from the DEC website at: <https://www.dec.ny.gov/nyspad/?0>

NOTE NYSPAD requires use of Chrome, Microsoft Edge, or Firefox browsers.

Example: The soils, geology and high-water tables of Nassau and Suffolk Counties on Long Island present an especially high risk of groundwater contamination. Because of this, many pesticides that are registered for sale and use elsewhere in New York cannot be sold, distributed or used in these two counties.



Labeling Requirements

Anyone who uses any type of pesticide must do so according to product label and labeling directions or as modified or expanded and approved by the NYS DEC.

A certified applicator, certified technician or apprentice must have in their custody a written copy of the label for each pesticide being used and make it available for inspection upon request of the DEC. Also, in addition to the regular product label, a person must have the proper labeling in their custody when applying a pesticide under a special registration.

"Read The Label"

The pesticide label and other labeling are critically important for two main reasons.

1. Proper Use

The label (along with other labeling) provides the information you need to use the product as effectively and as safely as possible. Among other things, this information includes:

- The name of the product and of the ingredients that control the pest.
- Who makes or distributes the pesticide.
- Restrictions as to who can purchase/use the pesticide.
- Information about hazards to human health and the environment.
- Safety precautions and first aid measures.
- Directions for using the pesticide.

2. Legal Implications

Because of concerns regarding pesticide risks, federal and state regulations make it against the law to use a pesticide in a manner inconsistent with its labeling. You must follow the directions listed on the label and in other labeling for the product.

Note regarding buying products outside of NYS: If state law is more strict than the pesticide label, you must comply with state law.



Notification of Lawn Pesticide Applications

Commercial lawn pesticide application is any application of pesticides to ground, trees, or shrubs on public or private outdoor property and require visual notification except:

- Applications for the purpose of producing an agricultural commodity.
- Applications around or near the foundation of a building for the purpose of indoor pest control.
- Applications by or on behalf of agencies, except that agencies are subject to visual notification requirements where the application is within 100 feet of a dwelling, multiple dwelling, public building or public park.
- Applications on golf courses or turf farms.

Written Contracts

Prior to any commercial lawn application, a written contract must be entered into between the applicator and the property owner or the owner's agent.

The contract must specify the following:

- Dates the application(s) will occur.
- Total number of applications.
- Total cost.

If the application cannot be made on the date or dates specified, oral or written notice of the proposed alternate date or dates must be provided to the person contracting for the service. The contracting party must agree to the alternate date or dates.

Pesticide and Business Information

The applicator must supply certain pesticide and business information (described below); the customer can choose to receive this information in written, digital or electronic format.

Prior to any commercial lawn application, the applicator must supply the property owner or the owner's agent with a copy of:

- What pesticide(s) will be applied.
- The company's name, address and phone number.
- Business registration number.
- Pesticide applicator's certification identification card number.

The applicator must also supply a copy of:

- The pesticide label(s) to the occupants if the application is to the premises of a one or two family dwelling.
- The pesticide label(s) to the owner or owner's agent if the application is to the premises of any other building or structure (including multiple-dwelling units).
- For all other commercial lawn applications, any warnings that appear on the pesticide label(s) pertinent to the protection of people, pets and the environment.



Visual Notification Markers

Applicators who provide commercial lawn applications, or who are performing applications within 100 feet of a dwelling, multiple dwelling, public building or public park on behalf of an agency, are required to place visual notification markers within or along the perimeter of the area where the pesticides will be applied. The markers are to be clearly visible to persons immediately outside of the perimeter of the property.

The markers are to be posted at least 12 inches above the ground and are to be at least 4 inches by 5 inches. The markers must instruct persons not to enter the property and not to remove the markers for at least 24 hours. The lettering must be boldly printed in letters at least 3/8th of an inch in height.

Neighbor Notification

The Neighbor Notification Law added Sections 33-1004 and 33-1005 to the Environmental Conservation Law. These sections add requirements for commercial and residential lawn applications and for retailers who sell general-use lawn pesticides. The Neighbor Notification Law and the accompanying regulations in Part 325 are only in effect in a county, or in a city with a population of 1 million or more, that has adopted a local law to "opt into" the law in its entirety as written in the Environmental Conservation Law. Contact the DEC to determine if the county you work in has adopted the Neighbor Notification Law. (A 2010 amendment to the Neighbor Notification Law addresses applications in multiple-family dwellings; even counties or cities that had previously opted into the law would need to reenact the entire law for this amendment to go into effect.) In addition, the Neighbor Notification Law amended the Education Law and the Social Services Law to require prior notification of all pesticide applications at schools and daycare facilities, respectively. Contact the owners/operators of these facilities for their notification procedures. These portions of the law are in effect in every county of the State.

Pesticide Use on School Grounds

If a school or day care center does apply a pesticide to playgrounds, turf, athletic or playing fields within the specific exceptions allowed by law, they must comply with the Neighbor Notification Law.

The requirements regarding pesticide use on playgrounds, turf, athletic or playing fields are administered by the State Education Department (for schools) and by the Office of Children and Family services (for day care centers).

The DEC has developed the following Guidance document to help schools and day care centers understand and comply with the prohibition.

<https://www.dec.ny.gov/chemical/41822.html>

Daily Use Records

All businesses and agencies that are required to register with the DEC, as well as commercial applicators who do not work for a registered business or agency, shall keep daily use records for each pesticide application. These records shall be maintained on an annual basis, kept on file for at least three years, and made available for inspection upon request by the DEC.

Private applicators need to maintain, at a minimum, a record of each purchase and use of pesticides which are classified as restricted use by either the EPA or the DEC. They need to maintain such records on an annual basis, keep them on file for at least three years, and make them available for inspection upon request by the DEC.

Disposal of Pesticides and Pesticide Containers

Pesticides must be disposed of in accordance with the laws and rules and regulations of New York State. You are responsible for the proper disposal of any pesticide waste you generate, including any products in your possession which have been banned or have had their registration discontinued.

The DEC's Hazardous Waste Regulations (Part 370-376) may apply to the disposal of waste pesticides that are listed or are characteristic of hazardous wastes as defined in the regulations. The DEC's Solid Waste Regulations (Part 360) apply to the disposal of waste pesticides and containers that are not regulated as hazardous waste.

Link to Hazardous Waste Regulations:

<https://www.dec.ny.gov/chemical/100401.html>

Pesticide Key Terms

Pest

A pest is any living thing that has an undesirable impact on something that is important to us. Notice two things about this definition. First, a pest might be any living thing; many people mistakenly think that the word “pest” refers only to insects. Second, this definition isn’t concerned with what the living thing is, but rather with what it does. It is the impact a living thing has that determines whether or not it is a pest. For example, grass is a desirable plant when it grows in a lawn but is considered a weed (a type of pest) when it grows in a flower garden or in the cracks of a sidewalk.

Pesticide

A pesticide is any substance or mixture of substances used to kill pests or to prevent or reduce the damage pests cause. For example, a pesticide might kill a pest directly, attract it (with a substance other than food) to a trap, repel it, or prevent it from developing or mating; therefore, even repellents are pesticides. Also, because a pest can be any living thing that has an undesirable impact, the word “pesticide” refers to substances that control all sorts of pests; therefore, substances that control insects or weeds or rodents or any other type of pest are all “pesticides.”

Pesticide Label

The label provides the information you need to use the product as effectively and as safely as possible

Pesticide Use

Pesticide use includes all activities related to pesticides including the transport and storage of a pesticide after the manufacturer’s seal has been broken, mixing pesticides, pesticide application, cleaning pesticide equipment and disposal of pesticides and pesticide containers. Therefore, anyone who performs any of these tasks is using a pesticide.

Pesticide Regulation

Federal and state regulations make it against the law to use a pesticide in a manner inconsistent with its labeling; that is, you must follow the directions listed on the label and in other labeling for the product. (However, if state law is more strict than the directions on the pesticide label, you must comply with state law.)

The New York State Department of Environmental Conservation (DEC) is the agency responsible for administering and enforcing New York State pesticide laws.

General – Use Pesticides

A pesticide not restricted by the EPA such as lawn treatments that can be purchased at retail stores. Please note that these pesticides may still be restricted by state regulations.

Restricted-Use Pesticides

Some pesticides that the EPA considers to be general use are classified as restricted use in New York State by the DEC and can be sold, distributed, purchased and/or used only by properly certified or supervised individuals.

Integrated Pest Management

Integrated pest management, or IPM, is an approach to pest management in which we combine all available necessary techniques into a unified program with the goal of managing pest populations in a way that avoids pest damage and minimizes adverse effects. Essentially, we want to minimize the risk posed by both the pest and by our pest control methods.

Chapter 8 Review Questions

1. Define Pest?
2. What is a Pesticide?
3. What is meant by the term Integrated Pest Management?
4. What is the importance of the Pesticide label?
5. Which agency administers and enforces pesticide laws in New York State?
6. Distinguish between a Residential, Private and Commercial application.
7. Briefly describe the limitations placed on pesticides used on Public School Grounds?
8. What are the legal requirements for notification of lawn pesticide applications?
9. What must you carry with you when applying a pesticide?
10. Describe applicator responsibilities with respect to daily use records?

Where to go for more information

NYS DEC Regional Offices

Central Office

625 Broadway, Albany, NY 12233-0001
518-402-8044 contact@dec.ny.gov

Region 1

Nassau and Suffolk counties
SUNY Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409
(631) 444-0340 r1pesticides@dec.ny.gov

Region 2

Brooklyn, Bronx, Manhattan, Queens and Staten Island
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5401
(718) 482-4994 pesticidesR2@dec.ny.gov

Region 3

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties
Headquarters: 21 South Putt Corners Road, New Paltz, NY 12561-1696
White Plains sub-office: 100 Hillside Ave., Suite 1W, White Plains, NY 10603
(845) 256-3097 r3admin@dec.ny.gov

Region 4

Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties
Headquarters: 1130 North Westcott Road, Schenectady, NY 12306-2014
Stamford sub-office: 65561 State Highway 10, Suite 1, Stamford, NY 12167
(518) 357-2045 r4info@dec.ny.gov

Region 5

Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties
Headquarters: 1115 NYS Rt. 86, P.O. Box 296, Ray Brook, NY 12977-0296
Warrensburg sub-office: 232 Golf Course Road, Warrensburg, NY 12885
Northville sub-office: 701 South Main Street, P.O. Box 1316, Northville, NY 12134
(518) 623-1200 Info.R5@dec.ny.gov



Region 6

Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties

Headquarters: 317 Washington St., Watertown, NY 13601-3787

Utica sub-office: 207 Genesee St., Utica, NY 13501

Lowville sub-office: 7327 NYS Rt. 812, Lowville, NY 13367

Herkimer sub-office: 225 North Main St., Herkimer, NY 13350

Potsdam sub-office: 190 Outer Main Street, Suite 103, Potsdam, NY 13676

(315) 785-2513 Watertown

(315) 793-2554 Utica

information.r6@dec.ny.gov

Region 7

Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties

Headquarters: 615 Erie Blvd. West, Syracuse, NY 13204-2400

Cortland sub-office: 1285 Fisher Avenue, Cortland, NY 13045

Sherburne sub-office: 2715 State Rt. 80, Sherburne, NY 13460

Kirkwood sub-office: 1679 NYS Rt. 11, Kirkwood, NY 13795

(315) 426-7400 Syracuse

(607) 753-3095x232 Cortland

(607) 775-2545 Kirkwood

R7Pesticides@dec.ny.gov

Region 8

Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties

Headquarters: 6274 East Avon-Lima Rd., Avon, NY 14414-9519

Bath sub-office: 7291 Coon Road, Bath, NY 14810

Elmira sub-office: 100 North Main St., Suite 104, Elmira, NY 14901

(585) 226-5424 Avon

(607) 622-8264 Bath

region8@dec.ny.gov

Region 9

Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Wyoming counties

Headquarters: 270 Michigan Ave., Buffalo NY 14203-2915

Allegany sub-office: 182 East Union Street, Suite 3, Allegany, NY 14706

(716) 851-7220

region9@dec.ny.gov