

WHAT COMMERCIAL LAWN PESTICIDE APPLICATORS NEED TO KNOW

New York City has joined eight other counties in New York State in an effort to prevent unwanted pesticide exposure by adopting the State's Pesticide Neighbor Notification Law, Local Law 36 of 2005. This law, which took effect on January 1, 2006, requires that commercial pesticide applicators provide written notice to neighboring residents at least 48 hours before applying lawn pesticide. This law applies to the use of lawn care pesticides on privately owned property. This fact sheet summarizes the notification requirements.

WHAT SHOULD THE NOTICE SAY?

The notice must contain all of the following:

1. Address where the pesticide will be applied
2. Name, telephone number, and pesticide business registration number or pesticide applicator certification identification number of the person applying or supervising the application
3. Date of the scheduled application and two alternative dates (in case the scheduled date changes)
4. Product name(s)
5. United States Environmental Protection Agency (EPA) product registration number(s)
6. A prominently posted statement that reads:

This notice is to inform you of a pending lawn care pesticide application to a neighboring property. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticide Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health information line at 1-800-458-1158.

IS THERE A SPECIAL FORM FOR THE WRITTEN NOTICE?

No. Applicators should produce their own notice on their own letterhead with all of the necessary information in 12 point type or larger.

WHO MUST RECEIVE WRITTEN NOTIFICATION?

Notice must be provided to occupants of any buildings on abutting properties if the boundary between the properties is within 150 feet of the application site.

WHAT IS AN 'ABUTTING' PROPERTY?

Abutting properties are those that share any portion of a property line or a boundary point with the property that is receiving the pesticide application. If a publicly-owned road or highway separates the properties, they are NOT considered abutting and do NOT require written notice.

HOW DO I PROVIDE NOTIFICATION TO THE OCCUPANTS?

- If the abutting property contains a one- or two-family dwelling, you must deliver the notice in writing directly to the residents.
- If the abutting property contains a **multiple dwelling** (three or more residences in one building), you may deliver the notice to the property owner or building manager for distribution to residents.
- If the abutting property contains a non-residential building (such as a school, office building, or shopping complex), you may deliver the notice to the property owner or manager.

DO I HAVE TO DELIVER THE NOTICE IN PERSON?

No, you can deliver it in any reasonable way, for example:

- Mail it to residents, property owners, or building managers.
- Leave it with a responsible adult at the property.
- Post it in a highly visible location on the property.

HOW FAR IN ADVANCE SHOULD I DELIVER THE NOTICE?

You must deliver it at least 48 hours in advance. If you are not able to make the application on the scheduled or listed alternate dates, you must deliver a new notice at least 48 hours before the new date.

DO ALL COMMERCIAL LAWN APPLICATIONS REQUIRE ADVANCE NOTICE?

The law applies to all commercial lawn pesticide applications made to lawns, trees, shrubs and other outdoor plantings, EXCEPT THE FOLLOWING:

- Anti-microbial pesticides, such as disinfectants.
- Aerosol products with a directed spray in containers of 18 fluid ounces or less for use against stinging or biting insects. (This exemption **does not** include wide spraying foggers or aerosol products).
- Non-volatile insect or rodent bait in a tamper-resistant container.
- Pesticides classified by EPA as exempt materials under 40 CFR Part 152.25.

- Pesticides classified by EPA as “reduced risk,” including biopesticides.
- Boric acid and disodium octaborate tetrahydrate.
- Horticultural soaps and oils that do not contain synthetic pesticides or synergists such as piperonyl butoxide.
- Granular pesticides applied to the ground. (This exemption **does not** include dusts or powders.)
- Pesticides directly injected into a plant or the ground.
- Spot applications of a pesticide (applications of pesticides in a manually pressurized or non-pressurized container of 32 oz. or less, applied to an area less than nine square feet).
- Pesticides applied to the ground or turf of any cemetery. This exemption **does not** include applications to trees and shrubs.
- Emergency applications as described below.

WHAT ABOUT EMERGENCY APPLICATIONS?

If a pesticide application is made to protect against an imminent threat to human health, the applicator must make a good faith effort to supply prior written notice to occupants of abutting properties, and must also notify the New York State Commissioner of Health, using a form developed by the State Health Commissioner. The form is available at: www.health.state.ny.us/nysdoh/pest/noteform.htm

FOR MORE INFORMATION

For more information on New York City’s Pesticide Neighbor Notification Law, visit www.nyc.gov/health/LL36

The New York State Department of Environmental Conservation also has a fact sheet for commercial applicators available at: www.dec.state.ny.us/website/dshm/pesticid/appl.pdf

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LOCAL LAW 36 OF 2005: THE NEW YORK CITY PESTICIDE NEIGHBOR NOTIFICATION LAW

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