



New York State Department of Environmental Conservation
Bureau of Pesticides Management
50 Wolf Road
Albany, NY 12233-7254

How Can

RETAILERS

Comply With

The Neighbor Notification Law?

March 1, 2001

How Can Retailers Comply With the Neighbor Notification Law?

What is the Neighbor Notification Law?

The Neighbor Notification Law of 2000, formally known as chapter 285 of the Laws of 2000, added new provisions to Title 10 of Article 33 of Environmental Conservation Law (ECL) regarding posting of visual notification markers for residential lawn applications, posting of signs at certain retail establishments, and mandating neighbor notification of certain commercial lawn applications.

Where is the Neighbor Notification Law in Effect?

The Neighbor Notification Law as it applies to commercial or residential lawn care **is only in effect in Counties, or in New York City, that have adopted a local law to "opt into" the Neighbor Notification Law**. The Neighbor Notification Law becomes effective on March 1, 2001.

Portions of the Neighbor Notification Law also amend the Education Law for pesticide applications at schools (grades K-12) and the Social Services Law for pesticide applications at licensed daycare centers. The amendments for schools and daycare centers become effective statewide on July 1, 2001.

The remainder of this pamphlet applies to commercial and residential lawn care applications which are regulated under provisions of the (ECL) which are only in affect in Counties that pass a local law to enforce the Neighbor Notification Law and related regulations.

What Regulations Apply to the Neighbor Notification Law?

New Section 41 of the 6NYCRR Part 325 regulations implements the Neighbor Notification Law and governs commercial and residential lawn applications. The new regulations become effective on March 1, 2001.

What Are the Requirements for Retailers under the Neighbor Notification Law?

Any retail establishment that sells general use pesticides labeled for commercial or residential lawn application uses must post in a conspicuous place as close as possible to each display location of such pesticides the informational sign required by the Neighbor Notification Law. Information on the sign must be printed in letters in at least 16 point bold type against a brightly colored background.

What Information must Be on the Informational Sign?

The following wording must appear on the informational sign:

"Pesticides, although useful tools to control pests, may pose certain risks to the applicator and other non-target often beneficial organisms. To help reduce such risks and to increase pest control effectiveness, state and federal laws require all applicators to strictly follow all pesticide label instructions and to only use these products on the sites and pests listed on the label.

New York State Environmental Conservation Law (subdivision 1 of section 33-1004) requires individuals who apply lawn care pesticides to their residential properties within this county to post visual notification markers along the perimeter of any treated area of over 100 square feet.

Visual notification markers must be placed to be clearly visible to persons immediately outside the treated perimeter; and

(i) must be posted at least twelve inches above the ground and be at least four inches by five inches in size, and

(ii) must be in place before the pesticide is applied and must instruct persons not to enter the property and not to remove the signs for a period of twenty-four hours.

(iii) such instructions must be printed in letters at least three-eighths of an inch in height.

We recommend that you notify your neighbors prior to the application of pesticides so that they may take precautions to avoid pesticide exposure."

Where Can I Get a Copy of the Required Informational Sign?

A sample sign, in 16 point bold type is attached. Simply reproduce the sign on brightly colored paper and post the sign in a conspicuous place as close as possible to each display location of general use commercial or residential lawn pesticides.

Who Enforces the Neighbor Notification Law?

The Neighbor Notification Law will be enforced by both your County government and the New York State Department of Environmental Conservation.

What Are the Penalties for Violation of the Residential Lawn Application Requirements of the Neighbor Notification Law?

The penalties set forth in the Neighbor Notification Law are a maximum of:

- a written warning and educational materials for the first violation (The retailer will also be provided seven days to correct the violation);
- a \$100 fine for the second violation, and,
- a \$250 fine for the third and subsequent violations.

These penalties may be levied only after a hearing or opportunity to be heard.

If I Have a Complaint or Question about the Neighbor Notification Law, Who Should I Call?

The Neighbor Notification Law is in effect in Albany County as of March 1, 2001. If you have questions regarding the law or wish to register a complaint contact the Albany County Health Department, Division of Environmental Health Services at 447-4620.

The following page is a sample sign for retailers in 16 point bold type. Retailers may simply reproduce this sign on brightly colored paper and post the sign in a conspicuous place as close as possible to each display location of general use commercial or residential lawn pesticides.