

Email from the DEC contact to the Village RE: Herbicide Applications along Rockefeller Lane and South Parsonage Street

Date: August 16, 2021

As discussed, please check with maintenance on an approximate date or dates of application. Also, please confirm that all documents relating to the pesticide used were thrown away and that you cannot reach the sales rep about the pesticide previously obtained.

Here is a link to our program webpage: <https://www.dec.ny.gov/chemical/298.html>. You will find info on pesticide certification and agency registration. An individual needs to qualify to take the pesticide exams. Once they pass the exams, they need to pay a \$450 certification fee (3 years). Lastly, the agency who applies pesticides needs to register with the NYS DEC. Below are some sections of the law.

1. Any person who engages in the commercial or private application of pesticides or the sale of restricted use pesticides shall be certified by the commissioner except as provided in subdivision two of this section. No certification shall be valid unless the certified person also holds a valid identification card issued by the commissioner.
2. The provisions of this article relating to registration and certification shall not apply to:
 - a. residential application of pesticides as defined in this article;
 - or
 - b. private application of a general use pesticide as defined in this article.

Any person who engages in commercial application of pesticides needs to be certified by the NYS DEC. A commercial application is anything other than a residential application (think own property) or private application (think farmers) of pesticides.

1. Any pesticide business or agency as defined in this article shall register with the commissioner.

An agency needs to register with the NYS DEC.

"Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law;

railroad, as that term is defined in the railroad law; or telegraph,

telephone, telegraph and telephone, pipeline, gas, electric, or gas and

electric corporation as those terms are defined in the transportation

corporations law, which applies pesticides.

An agency is a municipality that applies pesticides.

"Commercial lawn application" means the application of pesticide to ground, trees, or shrubs on public or private outdoor property. For

the purposes of this article the following shall not be considered

commercial lawn application:

a. the application of pesticide for the purpose of producing an

agricultural commodity;

b. residential application of pesticides;

c. the application of pesticides around or near the foundation of a

building for the purpose of indoor pest control;

d. the application of pesticides by or on behalf of agencies except

that agencies shall be subject to visual notification requirements

pursuant to section 33-1003 where such application is within one hundred

feet of a dwelling, multiple dwelling, public building or public park;

and

e. the application of pesticides on golf courses or turf farms.

Commercial lawn applications conducted by agencies need to post visual notification markers within 100 feet of a public park, dwelling.