

**GUIDANCE ON CHAPTER 85, LAWS OF 2010**  
**SUMMARY OF PESTICIDE PROHIBITION REQUIREMENTS AND PESTICIDE ALTERNATIVES**  
**REGARDING SCHOOLS AND DAY CARE CENTERS IN NEW YORK STATE**  
DECEMBER 22, 2010

In May 2010, New York State enacted Chapter 85 of the Laws of 2010 (Chapter 85), a new law containing limitations regarding pesticide use on playing fields and playgrounds at schools and day care centers. This guidance is intended to help schools and day care centers comply with the new law, by providing information on its requirements and on allowable alternatives to pesticides for grounds maintenance.

## **A. WHAT THE NEW LAW REQUIRES**

- **AMENDMENTS TO EXISTING LAWS AND IDENTIFICATION OF INVOLVED NEW YORK STATE AGENCIES:** Under Chapter 85, new requirements were added to the State Education Law (SEL) and the Social Services Law (SSL). The State Education Department (SED) is responsible for administering the sections of the SEL added by Chapter 85, and the State Office of Children and Family Services (OCFS) is responsible for administering the new sections of the SSL. Also, a requirement was added to the Environmental Conservation Law (ECL) for the State Department of Environmental Conservation (DEC) to develop this guidance. Chapter 85 is summarized in the remainder of this Section of the guidance. See **Section E** (Where to Read the Law and Ask Questions) for information on where to read the new requirements and which agency to contact with questions. DEC's role in the implementation of the new requirements is limited to issuing this guidance and to being one of the entities authorized to make determinations regarding emergency pesticide applications. (See **Section D** Emergency Determinations.)
- **GUIDANCE:** As required under Chapter 85, DEC developed this guidance in consultation with the State Department of Health (State DOH) and the SED. DEC also consulted OCFS.
- **PESTICIDE PROHIBITION AND EXCEPTIONS:** Schools and day care centers are prohibited from using pesticides on playgrounds (includes playground equipment), turf, and athletic or playing fields. The prohibition does not apply to indoor use of pesticides or pesticide applications to buildings or structures (e.g. school buildings, garages). If you have questions about whether a portion of grounds are subject to the law, contact SED or OCFS (see **Section E** for contact information). In general, "pesticide" covers a broad range of products: insecticides, herbicides, fungicides, rodenticides, and others. The new law specifies that "pesticide" has the same meaning as under Section 33-0101.35 of the ECL<sup>1</sup>. However, under the new law, "pesticide" does not include six types of pesticide products, which *can* be applied on playgrounds, turf, and athletic or playing fields at schools and day

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<sup>1</sup> Environmental Conservation Law (ECL) 33-0101.35 "Pesticide" means: a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and b. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

care centers. For details about these exceptions, see **Section C** (Which Pesticides Are Allowed). NOTE: Under a separate new law, (Chapter 205 of the Laws of 2010), fertilizer use restrictions become effective January 1, 2012. Please see “Attention” section at the end of this guidance.

- **EMERGENCY PESTICIDE APPLICATIONS:** An exception from the pesticide prohibition is provided for emergency applications, which may be made only as determined by entities specified in the new law (e.g. schools boards and certain State agencies). For further information, see **Section D** (Emergency Determinations).
- **WHO MUST COMPLY:** The new requirements apply to schools and day care centers, as defined in the SEL and SSL. These encompass public school districts (including the New York City (NYC) Department of Education), non-public schools, boards of cooperative education (BOCES), and child and Head Start day care centers. The law also applies to a school or day care center located at a college or university. The law does not apply to family day care centers, group family day care centers, school-age child care programs, day care centers in the five boroughs of NYC. To find out if this new law applies to a specific school or day care center, contact SED or OCFS, as applicable (see **Section E** Where to Read the Law and Ask Questions).
- **WHEN TO COMPLY:** The prohibition, exceptions, emergency allowance and other provisions go into effect on November 14, 2010 for day care centers and May 18, 2011 for schools.

**PESTICIDE APPLICATION REQUIREMENTS:** Schools and day care centers must continue to comply with previously existing requirements when applying pesticides, including when applying those pesticides excepted from the prohibition in Chapter 85. **Section C** (Which Pesticides Are Allowed) and the “Attention” at the end of this guidance provide a summary of existing State requirements regarding pesticide use and pesticide application notification.

## **B. HOW TO MAINTAIN CHILD-SAFE PLAYING FIELDS AND TURF WITHOUT PESTICIDES**

- **MANAGING GROUNDS WITH ALTERNATIVES TO PESTICIDES:** Many schools and day care centers already care for their grounds without the use of conventional pesticides. Others, however, may be making the shift away from pesticides for the first time. Depending on their current practices, schools and day care centers may only need to fine tune their methods, or they may need to learn a new, systematic approach to sustainable grounds maintenance through alternatives to pesticides. Training in alternative methods of grounds management could help those with less experience successfully make the transition. Check the on-line resources in this section for links to training programs.
- **GENERAL GUIDANCE ON PESTICIDE ALTERNATIVES AND ADDITIONAL RESOURCES:** There are a number of things to consider when managing grounds without pesticides, ranging from familiarity

with the grounds and potential trouble spots to soil and plant health. Because the steps taken for grounds management are specific to each school or day care center, this guidance is necessarily intended as a starting point, rather than a handbook to address every situation at schools and day care centers.

- **BROAD TIPS AND CONCEPTS:** The table on the next two pages outlines overall concepts for use in complying with the new pesticide prohibition. Information on the table serves as an introduction to alternative approaches to grounds maintenance and pest management as well as bottom line rules about soil and plant health. The “right” combination of alternatives to pesticides to prevent and manage pest infestations and for maintaining healthy, resilient grounds is specific to each school and day care center.
  
- **REFERENCES TO RESOURCES FOR FURTHER INFORMATION** on grounds management without pesticides are provided in the table and following it.

<b>GENERAL GUIDANCE ON PESTICIDE ALTERNATIVES PROPER GROUNDS MANAGEMENT – BASELINE CONCEPTS</b>	
<b><i>Look at the Big Picture</i></b>	Examine the whole outdoor system. Walk around the site and get an overall understanding of the maintenance needs and where steps should be taken to ensure that it is healthy – able to withstand pests and environmental stresses. Be aware of all possible sources of pest infestations, including dumpsters and recycling containers, and ensure that they are clean and well-maintained.
<b><i>Check for these Conditions</i></b>	Take note of areas and site characteristics that already have, or are prone to, pest or disease problems for plants, turf and soil. The following are examples of important conditions to check for: <ul style="list-style-type: none"> <li>▪ <i>overall health of turf or plants,</i></li> <li>▪ <i>existing pest (insects, weeds, etc.) and disease infestations</i> or areas that appear to have pest-or disease-prone conditions. Identify any existing pest/disease to choose proper management method (see Cooperative Extension link below),</li> <li>▪ <i>poorly drained soil</i> (i.e. pools of water or mud present), or soil that is hard and compacted,</li> <li>▪ <i>shady or sunny areas,</i></li> <li>▪ <i>storm or seasonal damage,</i></li> <li>▪ <i>heavy foot traffic areas.</i></li> </ul>
<b><i>Make a Response Plan</i></b>	<ul style="list-style-type: none"> <li>▪ <i>Consider whether a certain level of weeds and pests can be acceptable and tolerated at the school or day care centers.</i></li> <li>▪ <i>Decide which areas of the grounds need special attention.</i></li> </ul>

<b>GENERAL GUIDANCE ON PESTICIDE ALTERNATIVES</b> <b>PROPER GROUNDS MANAGEMENT – BASELINE CONCEPTS, CONTINUED</b>	
<b>Maintain Soil Health</b>	<ul style="list-style-type: none"> <li>▪ <i>Soil Conditions:</i> Keep soils well-drained, properly watered, aerated, and high in organic matter. A variety of soil aeration tools can be found in garden catalogs and supply stores. Organic matter can be enhanced by adding compost, or leaving grass clippings on the lawn after cutting. Adding organic matter will help with drainage as well as soil fertility. Better drainage in heavy clay soils can also be achieved by adding sand or lighter, loamy soil. Ask at a garden supply store for these materials.</li> <li>▪ <i>pH:</i> Check for a healthy pH (pH should be close to 7, which is neutral). Soil testing will help determine pH and if nutrient deficiencies exist. A link to Cornell Cooperative Extension’s soil testing service is provided below.</li> <li>▪ <i>Soil Amendments:</i> Consider whether soil amendments, such as compost or fertilizer, are needed and which are appropriate for site conditions. PH and other soil conditions can be adjusted by adding the appropriate compost, fertilizer, or lime, available from gardening catalogs and supply stores.</li> </ul> <p>Web resource for soil testing: <a href="http://cna1.cals.cornell.edu/">http://cna1.cals.cornell.edu/</a></p>
<b>Select the Right Turf and Plants</b>	<p><i>Select turf and plant varieties and/or mixes that are well-adapted to the site (such as soil type, and sun/shade characteristics) and climate. To the extent possible, select disease- and insect-resistant varieties.</i></p> <p>Web resources for turf and plant selection:  <a href="http://www.yardscaping.org/lawn/seed.htm">http://www.yardscaping.org/lawn/seed.htm</a>  <a href="http://www.nativeplantcenter.org">http://www.nativeplantcenter.org</a>  <a href="http://www.projectnative.org">http://www.projectnative.org</a></p>
<b>Maintain Healthy Turf and Plants</b>	<p><i>Manage turf and plants to create healthy conditions that prevent pests and plant diseases. Examples of cultural management practices include:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Remove diseased plants and debris</i> from the grounds.</li> <li>▪ <i>Keep grass longer</i> (at least 3 inches) to promote a healthy root structure that can out-compete weeds. Keep mower blades sharp to avoid damaging grass. Damage increases its vulnerability to diseases, insects, and weeds.</li> <li>▪ <i>Spread new grass seed each year</i>, to cover bare patches and to crowd out weeds in established areas.</li> <li>▪ <i>Revisit the grounds frequently</i> to check that the methods used are improving areas of concern and adjust management techniques accordingly.</li> </ul> <p>Web resources for cultural practices:  <a href="http://www.dec.ny.gov/public/52570.html">http://www.dec.ny.gov/public/52570.html</a></p>

**SOURCES FOR MORE INFORMATION AND TRAINING OPPORTUNITIES**  
**ON MANAGING GROUNDS WITH ALTERNATIVES TO PESTICIDES**

Numerous training opportunities and informational resources are available to help school grounds managers and day care center operators with problem-specific questions and to provide more detailed, step-by-step instructions for grounds management without pesticides. Below is a sampling of online resources and suggested titles of books and manuals. Information can also be found in the garden section of a local library (suggested titles below), or by contacting Cornell Cooperative Extension or the Master Gardener Program.

NOTE: References to the resources and links in this guidance will be included on the DEC web site in a set of information on Chapter 85 and the final guidance.

- **ONLINE RESOURCES:** See the webpages below for additional links to informational and training resources.

Green Lawn and Garden Tips <http://www.dec.ny.gov/public/52570.html>

Resources for Further Information <http://www.dec.ny.gov/public/52584.html>

*Cooperative Extension* - A resource for assistance with insect, weed and disease identification and appropriate turf and optimal turfgrass culture and management, including the most appropriate turf and plant varieties (including master gardeners in many counties). Contact the local extension office, see list at <http://cce.cornell.edu/Pages/Default.aspx>

- **SUGGESTED PUBLICATIONS:** Listed below are a few of the many available publications on grounds management.

*Managing Healthy Sports Fields: A Guide to Using Organic Materials for Low-Maintenance and Chemical-Free Playing Fields.* By Paul D. Sachs. John Wiley and Sons, Inc., 2004. ISBN 0-471-47269-7 (cloth).

*The Organic Lawn Care Manual: A Natural, Low-Maintenance System for a Beautiful, Safe Lawn.* By Paul Tukey. Storey Publishing, LLC., 2007. ISBN 978-1-58017-655-2 (hardcover), ISBN 978-1-58017-649-1 (paperback).

*The Rodale Book of Composting: Easy Methods for Every Gardener.* By Deborah L. Martin and Grace Gershuny (editors). Rodale Press, 1992. ISBN 0-87857-990-7 (hardcover), 0-87857-991-5 (paperback).

**NOTE:** Prohibited pesticides could be referenced on internet sites or in resources consulted by schools, day care centers and others. Prohibited pesticides cannot be used at schools and day care centers in New York State, even if referenced in resources, including those listed above. Therefore, when consulting these or any other resources about grounds maintenance options,

schools and day care centers should focus on information about pesticide alternatives and soil, plant, and turf care.

### C. WHICH PESTICIDES ARE ALLOWED

Establishing healthy grounds is the best way to prevent pest problems. Should the need for pesticides arise, however, the following is a list of types of pesticide products allowed under the new law and information about how to identify them.

- **ANTIMICROBIAL PRODUCTS** are available in several forms, such as sprays, liquids, and concentrated powders, and contain active ingredients such as bleach. There are only a few antimicrobial products registered for use on artificial turf. Also, although fungi are microbes, this excepted category for antimicrobials does not include fungicides used on turf and plants for the purpose of controlling plant diseases. *Use Examples:* Antimicrobials are designed to destroy or suppress the growth of microorganisms such as bacteria or viruses, often on inanimate objects and surfaces.
- **AEROSOL SPRAYS IN 18 OUNCE CANS (OR SMALLER)** can be readily identified by their packaging. As specified in the law, these are only to be used to protect individuals from imminent threat from a stinging or biting insect (venomous spiders, bees, wasps and hornets). These sprays are not meant for long-term pest management. Consult the internet resources under **Section B** (B. How To Maintain Child-Safe Playing Fields and Turf Without Pesticides) for ways to remove the sources of the hazards posed by stinging insects, such as covering garbage cans and removing yard waste which may attract and harbor such pests. *Use Examples:* These aerosols are used to control bees and wasps.
- **NON-VOLATILE INSECT AND RODENT BAITS IN TAMPER RESISTANT CONTAINERS** are, in general, self-containerized childproof packages or “stations” containing pesticidal bait. Depending upon the product, the container can be purchased with the bait in it or the container can be empty and a certified applicator can fill it with the bait and secure it prior to use.<sup>2</sup> Not allowed under this exception are baits packaged as pellets, granules, treated grain, or any other loose form that can lead to potential exposure to children, non-target organisms and the environment or gel baits in syringes that are applied when squeezed. *Use Examples:* Bait stations are usually used for rodent, roach, and ant control.
- **PRODUCTS CONTAINING BORIC ACID OR DISODIUM OCTABORATE TETRAHYDRATE** will have those ingredients listed on the label. They are, in general, insecticide products containing these chemicals in powder form. *Use Examples:* Products with these ingredients are used to help control wood-boring insects, ants and silverfish.

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<sup>2</sup> For additional information on EPA's criteria for tamper-resistant bait stations see: [http://www.epa.gov/pesticides/PR\\_Notices/pr94-7.html](http://www.epa.gov/pesticides/PR_Notices/pr94-7.html)

- **HORTICULTURAL OILS AND SOAPS THAT DO NOT CONTAIN SYNTHETIC PESTICIDES OR SYNERGISTS** are generally identifiable by reading the label. Make sure the active ingredients listed are limited to paraffinic oil, mineral oil, petroleum oil, citrus oil, or combinations of salts of fatty acids. Most products labeled as horticultural oil, summer oil, dormant oil, or insecticidal soap will not contain synthetic pesticides or synergists, and will therefore be allowed. If you are unsure, look for the acronym “OMRI” on the label. OMRI stands for the Organic Materials Review Institute and horticultural oils and soaps with that label will meet the law’s criteria. *Use Examples:* Such oils and soaps are used, among other purposes, to manage some plant pests, such as aphids, spider mites and leaf hoppers.
  
- **PESTICIDES CLASSIFIED AS EXEMPT BY U. S. ENVIRONMENTAL PROTECTION AGENCY (EPA)** are not registered by EPA, because they contain ingredients EPA considers to pose little or no risk. (These products are also known as Minimum Risk Pesticides or 25(b) exempt pesticides.) A list of those ingredients is on the next page. Schools and day care centers considering use of the EPA-exempt products should investigate the potential uses, as there is more information than is feasible to include in this guidance (EPA resource listed below). *Use Examples:* Corn gluten meal may be used for managing pre-emergent weeds (e.g. crabgrass and dandelions); soybean oil may be used on scales, mites, aphids and other insects; and dried blood is sometimes used as a repellent for deer or rabbits.

There is no comprehensive list of EPA Minimum Risk Pesticides, but there are ways to identify them:

- It may be noted on the label that the product is an EPA Minimum Risk Pesticide, but such an indication is not required.
  
- All ingredients in an EPA Minimum Risk Pesticide must be listed on the label by name and the pesticide can only contain inert ingredients that are minimal risk. An EPA Minimum Risk Pesticide can ONLY contain one or more of the active ingredients listed on the next page.

Information on EPA-exempt pesticides can be found at:

[http://www.epa.gov/oppbppd1/biopesticides/regtools/25b\\_list.htm](http://www.epa.gov/oppbppd1/biopesticides/regtools/25b_list.htm)

For product label information on registered pesticides listed in this section and to learn whether a pesticide is registered for use in NYS, please search

<http://pims.psur.cornell.edu/> the online New York State Pesticide Product Ingredient and Manufacturer System.

**EPA-EXEMPT PRODUCTS - ACTIVE INGREDIENTS**

Castor oil (U.S. Pharmacopeia or equivalent)	Malic acid
Cedar oil	Mint and mint oil
Cinnamon and cinnamon oil	Peppermint and peppermint oil
Citric acid	2-Phenethyl propionate (2-phenylethyl propionate)
Citronella and Citronella oil	Potassium sorbate
Cloves and clove oil	Putrescent whole egg solids
Corn gluten meal	Rosemary and rosemary oil
Corn oil	Sesame (includes ground sesame plant) and sesame oil
Cottonseed oil	Sodium chloride (common salt)
Dried Blood	Sodium lauryl sulfate
Eugenol	Soybean oil
Garlic and garlic oil	Thyme and thyme oil
Geraniol	White pepper
Geranium oil	Zinc metal strips (consisting solely of zinc metal and impurities)
Lauryl sulfate	
Lemongrass oil	
Linseed oil	

**D. EMERGENCY DETERMINATIONS**

The purpose of the new law is to minimize the harmful effects of pesticides on children by limiting the use of aesthetic pesticides in sensitive areas such as schools and day care centers and develop pesticide alternatives. An exception to the pesticide prohibition is provided in the State Education Law (SEL) and Social Services Law (SSL). Use of a prohibited pesticide is allowed, when a determination is made that an emergency application is needed.

Schools and day care centers subject to the law must seek an emergency determination from the appropriate entity. The entities which may make such determinations are identified in the SED and SSL.<sup>3</sup> The primary entities are county health departments, State DOH, DEC, and, in the case of public schools’ requests for determinations, school boards.

The DEC, State DOH, SED and OCFS together, based on their interpretation of Chapter 85, have identified a working framework for emergency determinations, so that schools and day care centers know which entity to contact when seeking an emergency determination to apply a

<sup>3</sup> Provisions regarding emergency pesticide applications are included in section 409-k.2 of the State Education Law and section 390-g.2 of the Social Services Law, both of which read as follows: “No school [or day care] shall apply pesticide to any playgrounds, turf, athletic or playing fields, except that an emergency application of a pesticide may be made as determined by the county health department or for a county not having a health department such authority as the county legislature shall designate, the commissioner of health or his or her designee, the commissioner of environmental conservation or his or her designee, or, in the case of a public school, the school board.”



prohibited pesticide. Also included in the framework are the types of emergencies DEC, State DOH and county health departments will consider. (State DOH oversees most county health departments.)

- **FRAMEWORK FOR IDENTIFYING THE ENTITY A SCHOOL OR DAY CARE CENTER WOULD CONTACT** to seek an emergency determination to apply a prohibited pesticide is outlined below, based on whether a public school, non-public school, or day care center is seeking the determination:
  - **PUBLIC SCHOOLS:** Each public school must contact its school board to seek an emergency pesticide application determination for any type of situation that may warrant an emergency. The SED has interpreted the SEL to require that the local school boards make all emergency determinations for public schools. Public schools should not contact the State DOH, county health departments or DEC to seek an emergency pesticide application determination. A school board, as it deliberates, may consult those agencies with relevant questions (as well as the in-house expertise of its grounds managers). Specifically, school boards may contact the county health department or the State DOH to consult on public health-related emergency situations and they may contact the DEC with questions about environmentally-related emergency situations.
  - **NON-PUBLIC SCHOOLS AND DAY CARE CENTERS:** These entities should contact either the DOH or the DEC, depending upon whether the emergency request relates to the need to apply a prohibited pesticide for a public health-related matter or an environment-related matter, as follows:
    - **Public Health-related Emergency Pesticide Application Determinations:** Non-public schools and daycare centers should contact the DOH (the county health department, State DOH district office in certain counties or the state DOH's Bureau of Toxic Substance Assessment), when a pest issue arises that may warrant an emergency application of a prohibited pesticide to protect public health (e.g. residual larvicide treatments on grounds to control mosquitoes that carry Eastern Equine Encephalitis virus). The DOH will make determinations for emergency pesticide applications only when a pest poses a significant threat to public health.
 

**To Contact the DOH about Public Health-related Emergency Determinations:** Contact the county health department or applicable district office (telephone number for each county on attached list) or the State DOH, Bureau of Toxic Substance Assessment at 518-402-7820.
    - **Environment-related Emergency Pesticide Application Determinations:** Non-public schools and day care centers should contact the DEC in writing to seek an emergency determination, when an emergency arises which would significantly affect the environment (e.g. invasive species management). For

the form on which requests are to be made to DEC, see the Department website <http://www.dec.ny.gov>.

**To Contact DEC about Environment-related Emergency Determinations for Non-public Schools and Day Care Centers:** Contact the DEC Bureau of Pest Management at: 518-402-8788. Use the form at the above link to submit requests to DEC for emergency determinations.

▪ ***GUIDANCE FOR DETERMINING WHEN A SITUATION IS AN EMERGENCY***

The intent of the new law is to require schools and day care centers to manage grounds and pests without pesticides. Emergency determinations should only be sought or granted for a one-time pesticide application for a specific situation, which presents a true emergency. To provide guidance on deciding when a situation is *not* an emergency, the DEC, State DOH and SED, in consultation with OCFS, identified the following situations that these state agencies generally would not consider to warrant an emergency pesticide application determination:

- when the problem can be managed with the allowed products and/or alternative pest management methods (even when it takes time to learn and fully practice pesticide alternatives).
- for routine or repetitive pest problems. Pest problems can occur on a regular or seasonal basis, but they do not usually rise to the level of a public health or environmental threat that constitutes an emergency.
- when the pesticide application would be for purely aesthetic (non-emergency) reasons.

**E. WHERE TO READ THE LAW AND ASK QUESTIONS**

- ***WHERE TO READ THE NEW LAW:*** The State Education Law (SEL), Social Services Law (SSL) and Environmental Conservation Law (ECL) can be read online at: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

- *Schools*, see Section 409-k of the SEL.
- *Day care centers*, see Section 390-g of the SSL.
- *To read the requirement for this guidance*, see Section 33-0303.7 of the ECL.

▪ ***QUESTIONS ABOUT THE NEW REQUIREMENTS***

- *For public and non-public schools*, direct questions about the new SEL requirements to the SED, Office of Facilities Planning at 518-474-3906.

- *For day care centers*, direct questions about the new SSL requirements to the OCFS, Division of Child Care Services at 518-474-9454.
- *For help with questions about turf and grounds management without pesticides*, Contact the local cooperative extension office, see list at <http://cce.cornell.edu/Pages/Default.aspx>
- *Questions on this guidance*: Contact the DEC Bureau of Pest Management at 518 - 402-8768.

⇒ **ATTENTION SCHOOLS AND DAY CARE CENTERS: OTHER REQUIREMENTS** ⇐

Separate from the requirements in Chapter 85, Laws of 2010, there are other new and existing requirements, which schools and day cares must be aware of and comply with, in regard to grounds maintenance and pest management. A summary of them is included below:

***NEW FERTILIZER USE RESTRICTIONS***

Under a separate new law, Chapter 205 of the Laws of 2010, starting January 1, 2012, new restrictions go into effect regarding the use of phosphorus fertilizers and fertilizers on lawns and non-agricultural turf. As of that date, the following are prohibited on lawns or non-agricultural turf:

- The use of phosphorus fertilizers, unless establishing a new lawn or a soil test shows phosphorus is needed for growth, and
- The use of fertilizers between December 1 and April 1 annually.
- The use of fertilizers is prohibited within 20 feet of any surface water except:
  - Where a continuous natural vegetation buffer, at least 10 feet wide, separates lawn and water.
  - Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three 3 feet of any surface water.

Additionally, fertilizer cannot be used on any impervious surfaces, and, if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container. Details can be found at [www.dec.ny.gov/chemical/67239.html](http://www.dec.ny.gov/chemical/67239.html) on the DEC website.

***PESTICIDE CERTIFICATION, NOTIFICATION, AND REPORTING REQUIREMENTS***

Anyone who applies pesticides to buildings or grounds at schools or day care centers, including pesticides allowed under the new law, must meet existing pesticide requirements.<sup>4</sup> The following is a summary of these requirements:

- The definition of a pesticide is contained in Section 33-0101.35 of the ECL. Under that definition, all of the exceptions to the ban listed in **Section C** (Which Pesticides are Allowed) above are classified by DEC as pesticides and are subject to applicable regulations that relate to pesticide use.<sup>4</sup>
- Sections 33-0905 and 33-0907 of the ECL and related regulatory requirements in 6 NYCRR Part 325 contain pesticide applicator certification and business or agency registration requirements.<sup>4</sup> (Under the regulation, certification is not required when using antimicrobials, except where used in cooling towers (exist at some schools) or other processes not present at schools.)
- Pesticide reporting requirements under Section 33-1205 of the ECL apply to all pesticides used, except antimicrobials and EPA-exempt pesticides (also referred to as EPA Minimum Risk Pesticides or 25(b) pesticides).
- Pesticide application notification requirements must be met when using pesticides on structures or grounds, under Section 409-h of the SEL and Section 390-c of the SSL.

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<sup>4</sup> See <http://www.dec.ny.gov/regulations/8527.html> for information on DEC pesticide requirements in law and regulation.

<b>ATTACHMENT A</b> <b>COUNTY HEALTH DEPARTMENT</b> <b>CONTACT LIST*</b>	
County	Phone Number
Albany	(518) 447-4620
Allegany	(585) 268-9254
Broome	(607) 778-2887
Cattaraugus	(716) 373-8050 Ex. 3437
Cayuga	(315) 253-1405
Chautauqua	(716) 753-4481
Chemung	(607) 737-2019
Chenango	(607) 337-1673
Clinton	(518) 565-4870
Columbia	(518) 828-3358
Cortland	(607) 753-5035
Delaware	(607) 432-3911
Dutchess	(845) 486-3404
Erie	(716) 898-6105
Essex	(518) 891-1800
Franklin	(518) 891-1800
Fulton	(315) 866-6879
Genesee	(585) 344-2580 x 5499
Greene	(607) 432-3911
Hamilton	(518) 891-1800
Herkimer	(315) 866-6879
Jefferson	(315) 785-2277
Lewis	(315) 785-2277
Livingston	(585) 243-7280
Madison	(315) 366-2526
Monroe	(585) 753-5461
Montgomery	(315) 866-6879
Nassau	(516) 227-9723
New York City	(212) 442-5222
	(in NYC 311)
	(212) 788-4646
Niagara	(716) 439-7444
Oneida	(315) 798-5064
Onondaga	(315) 435-6623
Ontario	(315) 789-3030
Orange	(845) 291-2331
Orleans	(585) 589-3278
	(585) 589-2770
Oswego	(315) 349-3557

<b>ATTACHMENT A COUNTY HEALTH DEPARTMENT CONTACT LIST*</b>	
<b>County</b>	<b>Phone Number</b>
Otsego	(607) 432-3911
Putnam	(845) 808-1390 x 2166
Rensselaer	(518) 270-2632
Rockland	(845) 364-2608
St. Lawrence	(315) 386-1040
Saratoga	(518) 793-3893
Schenectady	(518) 386-2818
Schoharie	(518) 295-8382
Schuyler	(607) 324-8371
Seneca	(315) 539-1925
Steuben	(607) 324-8371
Suffolk	(631) 852-5800
Sullivan	(845) 794-2045
Tioga	(607) 687-8565
Tompkins	(607) 274-6688
Ulster	(845) 340-3010
Warren	(518) 793-3893
Washington	(518) 793-3893
Wayne	(315) 789-3030
Westchester	(914) 813-5171
Wyoming	(585) 786-8894
Yates	(315) 789-3030

\*Source for the above list: New York State Department of Health. The applicable state DOH district office contact number is provided for certain counties.