

# 1 Pesticide Information

## 1.1 Use Pesticides Safely

All pesticides are regulated by state and federal laws to protect the user and consumer. Read labels carefully. Follow instructions.

Most pesticides are poisonous to humans and animals, but when properly used they are not harmful. Handle them with care. Store them in closed, plainly labeled original containers, out of the reach of children and animals. Keep pesticides in locked storage facilities.

When handling, do not allow pesticides to come in contact with the skin. Do not apply on a windy day. Do not smoke while handling pesticides. Do not inhale dusts, sprays, or vapors. After handling pesticides, wash hands and face before eating or smoking.

To avoid accidental injury to susceptible plants, avoid drift of sprays and dusts. Use separate equipment for applying hormone-type herbicides such as 2,4-D.

Dispose of empty containers so that children cannot play with them.

Please refer to New York State Department of Environmental Conservation circular 865, part 325, Rules and Regulations Relating to the Application of Pesticides, for further information relating to the use of pesticides in New York State.

## 1.2 Protect Honey Bees from Insecticides

Honey bees, wild bees, and other insects are important for proper pollination of many vegetables. Vine crops, for example, must be pollinated because they have male and female flowers, and pollen must be transferred from the male to female flowers if fruit is to set. Poor pollination results in small or odd-shaped fruit as well as low yields. Each flower must be visited eight or more times for adequate pollination to occur.

To avoid harming bees with insecticide treatments, remember these points: do not spray crops in bloom; mow blooming weeds before treatment or spray when the blossoms are closed; avoid application during the time of day when field bees are most numerous; make application in the early morning or evening; and always read the label before use.

If pesticides that are highly toxic to bees are used in strict accordance with label directions, little or no harm should be done to bees. Label statements on pesticides that are highly toxic to honey bees may carry a caution statement such as

the following: “This product is highly toxic to bees exposed to direct treatment or residues on crops or weeds. Do not apply or allow drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information can be obtained from your Cooperative Extension Service.”

## 1.3 Pesticide Control Legislation

### 1.3.1 Restricted Pesticides

In accordance with New York State legislation, pesticides that are highly toxic or that are persistent and accumulative are placed on a restricted-use list and may be sold to and used only by certified applicators. “Restricted-use pesticide” or “restricted pesticide” means any pesticide listed in Section 326.2 of Part 326, according to the criteria of Environmental Conservation Law, Section 33-0101(42), or any pesticide whose labeling bears the statement “Restricted-Use Pesticide.” The following criteria and designations (A through H) refer to those pesticides restricted for use, sale, purchase, or distribution in New York State as noted within Part 326.2. **Restricted-use pesticides recommended in this publication are identified by (\*). Pesticide products that cannot be used on Long Island, New York, are identified by (†).**

A: May be distributed, sold, purchased, possessed, and used only upon issuance of a commercial or purchase permit for any uses listed on the approved label as registered with the New York State Department of Environmental Conservation.

B: May be distributed, sold, purchased, possessed, or used only upon issuance of a commercial permit or purchase permit for those purposes listed in “Part 326 Registration and Classification of Pesticides,” a publication of the NYS DEC.

C: The commissioner of the NYSDEC may place any conditions on the registration of any product that are deemed necessary to prevent damage to health, property and wildlife. Classification as ‘restricted-use’ may be necessary. See Part 326.23 (e).

E: Federally restricted pesticides per EPA.

G: Any product whose label limits use to commercial pesticide applicators only may be distributed, sold, purchased, possessed, and used only upon issuance of a commercial permit or certification identification card. Label statements that limit use to commercial pesticide applicators include but are not limited to the following: (1) Only for sale to and use and storage by commercial pest control operators. (2) To be applied only by or under the

direct supervision of commercial applicators responsible for insect control program.

H: Any pesticide labeled for direction application to or in surface waters may be distributed, offered for sale, sold, purchased, possessed, or used only by the holder of a valid commercial permit, verification identification card, or purchase permit.

## 1.4 Pesticide Product Registration Information for New York State

Cornell University and the Department of Environmental Conservation provide access to several databases that allow for retrieval of pesticide information, including product registrations and pesticide label images pertinent to New York State. Current New York State product registrations and label images can be accessed from <http://pmep.cce.cornell.edu/pims>. For more information regarding these databases, please contact the Pesticide Sales and Use Reporting Database Group at 607-257-5706 or [PMEP\\_webmaster@cornell.edu](mailto:PMEP_webmaster@cornell.edu).

**CERTIFICATION.** Commercial applicators using restricted-use and general-use pesticides as well as private applicators using restricted-use pesticides must be certified. Certification training, exams, and recertification courses are continually given throughout the state. Please consult your Cornell Cooperative Extension educator or regional Department of Environmental Conservation pesticide specialist if you have questions concerning certification. Pesticide certification information, including a listing of approved recertification courses with contact, category, and credit information can be obtained from <http://pmep.cce.cornell.edu/certification/index.html>

## 1.5 Pesticide Recordkeeping/Reporting for New York State

**Manufacturers and importers.** Requires annual reports from manufacturers and importers of all sales within the state of each restricted-use pesticide product, including EPA registration number, container size, and number of containers sold to New York purchasers. Records would need to be maintained for at least three years.

**Commercial applicators.** Requires annual reports from commercial applicators of pesticide use, including EPA registration number; product name; quantity of pesticide used; date applied; and location of application by address, including 5-digit zip code. Records would be maintained for at least three years and would also include the dosage rates, methods of application, and target organisms.

**Reporting at point of sale.** Requires every person who sells or offers for sale restricted-use pesticides to private applicators to report annually each sale of a restricted-use pesticide or general-use pesticide used in agricultural crop production to such applicator, including EPA registration number; product name of pesticide purchased; quantity purchased; date purchased; and location of intended

application by address, including 5 digit zip code, or if address is unavailable, by township and 5 digit zip code.

**Recordkeeping by private applicators.** Requires private applicators to maintain, for a minimum of three years, restricted-use pesticide records, including pesticide purchased; crop treated; method and date of application.

For more information, contact the NYS Department of Environmental Conservation (518-402-8768).

## 1.6 EPA Worker Protection Standard (WPS) for Agricultural Pesticides

The Worker Protection Standard contains requirements designed to reduce the risks of illness or injury resulting from occupational exposures to pesticide handlers and agricultural workers. Accidental exposure of agricultural workers and other persons to pesticides used in the production of agricultural plants on farms, nurseries, greenhouses, and forests are included under these regulations. They include the following:

- Restricted-entry intervals (REIs) for most pesticides
- Personal protective equipment (PPE) for handlers and early-entry workers

- Decontamination supplies and emergency assistance
- Pesticide safety training and posting
- Revised labeling that includes specific WPS instructions

For more complete information on reentry and farmworker protection standards, please contact your local Cornell Cooperative Extension office or the Pesticide Management Education Program, 5123 Comstock Hall, Cornell University, Ithaca, NY 14853, 607-255-1866, web site: <http://pmep.cce.cornell.edu>.

## 1.7 The Neighbor Notification Law

The Neighbor Notification Law, Chapter 285 of the Laws of 2000, was signed by Governor Pataki on August, 21, 2000. The law amends Title 10 of Article 33 of the Environmental Conservation Law relating to the commercial and residential lawn application of pesticides. The existing provisions of Title 10 require that before any commercial lawn application, the applicator must enter into a written contract with the owner (or owner's agent) of the property to which the application is to be made and require the posting of specified visual notification markers. These provisions apply to all commercial lawn applications throughout the state. They do not apply to commercial nursery, greenhouse, or other production operations.

The Neighbor Notification Law added to Title 10 a mechanism to allow counties and New York City to pass a local law to "opt into" additional requirements for lawn applications (including ground, trees, and shrubs) including posting of visual notification markers by homeowners for residential lawn application, posting of informational signs at retail establishments selling general-use lawn care pesticides and, for certain commercial lawn applications, procedures for 48-hour advance notification to occupants of

dwellings, multiple dwellings, and other structures on abutting property with boundaries that are within 150 feet of an application. Certain pesticides or applications are exempt from the requirement of 48-hour prior notification, including the following:

- directed aerosol sprays from containers 18 fl. oz. or less to protect from an imminent threat from stinging and biting insects.
- nonvolatile insect or rodent bait in a tamper-resistant container.
- materials classified by EPA as exempt under 40 CFR 152.25 (the so-called “minimum-risk” pesticides).
- materials classified by EPA as reduced-risk pesticides or biopesticides.
- horticultural oils and soaps that do not contain synthetic pesticides or synergists.
- granular pesticides (i.e., solid pesticides applied to ground).
- pesticides injected into the plant or the ground.
- spot application of pesticides from a manually pressurized or nonpressurized container of 32 fl. oz. or less to an area of ground less than 9 sq. ft.
- applications to the ground or turf of any cemetery.
- emergency application of pesticides to protect human health provided an effort is made to give written notice and notification is also given to the commissioner of health.

The new sections of Part 325 will apply to pesticide applicators conducting commercial lawn applications, persons conducting residential lawn applications, and placement of signs at retail sellers of general-use lawn pesticides. Commercial applicators and owners of garden centers are advised to become familiar with the provisions of the law, which can be found at <http://www.dec.state.ny.us/website/dshm/pesticid/neighbor.htm>. As of September 2001, Albany, Westchester, Nassau, and Suffolk Counties have elected to “opt into” the Neighbor Notification Law.

## 1.8 Reduced-Risk Pesticides, Minimum-Risk Pesticides, and Biopesticides

Since 1993 EPA has expedited the registration of conventional pesticides with characteristics such as very low toxicity to humans and nontarget organisms including fish and birds, low risk of groundwater contamination or runoff, low potential for pesticide resistance, demonstrated efficacy, and compatibility with IPM. Materials meeting these criteria are referred to by EPA as “reduced-risk.” The “reduced-risk” designation applies only to certain uses of a particular pesticide, which may not be all label uses for that product.

Minimum-risk pesticides are certain products that are exempted from EPA registration (and therefore have no EPA registration number). They contain only active ingredients outlined in FRFRA 40 CFR 152.25(g) (“the 25b list”) and inert ingredients currently identified on Federal

Register Notice 59 FR 49400 (“the 4a list”). The lists can be accessed from the following link:

[www.epa.gov/pesticides/biopesticides/](http://www.epa.gov/pesticides/biopesticides/) For use in New York State, minimum-risk products must display pesticide use directions. All ingredients and percent concentrations must also be listed on the label. New York State pesticide registration policy exempts true minimum-risk pesticides from product registration requirements. Policies may differ in other states, which sometimes require such products to carry a state registration number.

Biopesticides, or biological pesticides as defined by EPA, are certain types of pesticides derived from such natural materials as animals, plants, bacteria, and certain minerals. These include microbial pesticides, which contain bacteria, fungi, virus, etc., as the active ingredient; plant-pesticides, i.e., pesticidal substances that plants produce from added genetic material (such as corn genetically modified to produce *Bacillus thuringiensis* toxins); and biochemical pesticides comprised of naturally occurring substances that control pests by nontoxic mechanisms (such as pheromones or some insect growth regulators). Biopesticides must be registered with EPA. More information on biopesticides is available at <http://www.epa.gov/pesticides/biopesticides/>

## 1.9 Verifying Pesticide Registration and Restricted-Use Status

Applicators can easily verify whether pesticides are currently registered and classified as restricted-use in New York State if they have access to the Internet. Cornell maintains a web site (<http://pmep.cce.cornell.edu/pims/>) where labels, EPA numbers, or active ingredients can be searched. The New York State Department of Environmental Conservation also maintains a web site (<http://www.dec.state.ny.us/website/dshm/pesticid/webinst.htm>) from which users can download a regularly updated file listing all pesticides currently registered for use in the state. This is a large document that includes nonagricultural products and less detail than the Cornell site. Although some pesticide registrations may be shown as expired, we are advised by NYSDEC that if a pesticide is listed it is considered approved for use in New York as of the list date. Note: Federally restricted pesticides will state “RESTRICTED-USE” on the label, but those restricted in New York State may not. Use of federally restricted pesticides requires on-site supervision of a certified applicator according to NYS law 6 NYCRR part 325.7(d)(2)(ii). Certified commercial pesticide technicians are not permitted to purchase restricted-use pesticides.

## 1.10 FIFRA 2(ee) Recommendations

Certain limited variations from the use directions specified on pesticide labels are authorized under FIFRA Section 2(ee).

These “2(ee) recommendations” allow:

1. Use at any dosage, concentration, or frequency less than specified on the labeling.
2. Use against any target pest not specified on the labeling.
3. Methods of application not prohibited on the labeling.
4. Mixtures with fertilizer unless prohibited on the labeling.

In New York State, all 2(ee) recommendations must be approved in writing by the New York State Department of Environmental Conservation with the exception of those pesticides applied for agricultural purposes at less than label rate and mixtures with fertilizer (item 4 above).

No fee is required for a 2(ee) recommendation request.

### Requirements:

1. Anyone receiving approval of a 2(ee) recommendation is responsible for distributing the recommendation to all users of the product pursuant to the approved recommendation.
2. Any user must have the 2(ee) recommendation in his or her possession at the time of application, e.g., “Cornell Guidelines.”

### Information required for submission of 2(ee) recommendations:

1. Requests for approval of 2(ee) recommendations must be made in writing by recognized research institutions, certified crop advisers, manufacturers (registrants), or organizations representing individual users. Individual users may not request approval of 2(ee) recommendations.
2. Requests must be accompanied by data demonstrating that the use will be effective.

## Abbreviations and symbols used in this publication

A = acre  
 AI = active ingredient  
 D = dust  
 DF = dry flowable  
 DG = dispersible granule  
 E = emulsion, emulsifiable  
 EC = emulsifiable concentrate  
 F = flowable  
 G = granular  
 L = liquid  
 P = pellets  
 S = soluble  
 SP = soluble powder  
 ULV = ultra-low volume  
 W = wettable  
 WDG = water-dispersible granules  
 WP = wettable powder  
 \* = restricted-use pesticide; may be purchased and used only by certified applicators  
 # = 2(ee) recommendation based on an efficacy statement  
 ## = 2(ee) recommendation based on quantitative efficacy data  
 † = not for use in Nassau and Suffolk Counties; pesticide labels that indicate “Not for use on Long Island, N.Y.” mean that use is prohibited in Nassau and Suffolk Counties only.

Trade names used herein are for convenience only. No endorsement of products is intended, nor is criticism of unnamed products implied.

Prepared by: William Smith, 9.26.05  
 Pesticide Management Education Program

