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How Can
HOMEOWNERS
Comply With
The Neighbor Notification Law?

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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 residential lawn care applications which are regulated under the 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 Is a Residential Lawn Application?

A residential lawn application is any application of over-the-counter pesticides (herbicides, insecticides, fungicides, etc.) to ground, trees, or shrubs on outdoor property owned, leased or rented by the individual making such application. The following pesticide applications are not considered residential lawn application: the application of pesticide for the purpose of producing an agricultural commodity (vegetables, fruits, etc.); or the application of pesticides around or near the foundation of a building for the purpose of indoor pest control (ants, earwigs, etc.)

What Does the Law Require For Residential Lawn Applicators?

If your County has adopted a local law to implement the Neighbor Notification Law, individuals who make residential lawn applications of more than 100 square feet to property they own, lease or rent, must post visual notification markers around the perimeter of the lawn pesticide application site to warn others of the pesticide application.

What Are the Requirements for Posting Visual Notification Markers?

- Any person making a residential lawn application to an area of more than 100 square feet must post visual notification markers every 50 feet along the perimeter of the area where pesticides are to be applied. These markers need not be placed at any portion of the perimeter of the treated area which is rendered impassable by fence, wall, hedge or similar natural topographic barrier, however, every treated area of over one hundred square feet must be marked by at least two notification markers.
- Markers must be posted on the day of any residential lawn application and must be in place before the pesticides are applied.
- Markers must be clearly visible to persons immediately outside the perimeter of the property.
- Markers must instruct persons not to enter the treated property and not to remove the markers sooner than 24 hours following the residential lawn application.
- Markers must be at least four inches by five inches in size.
- Markers must be posted such that the top of the marker is at least twelve inches above the ground.
- Text on the markers must be in contrasting colors to the background and in letters at least three-eighths of an inch in height.

What Information Must Be on the Visual Notification Marker?

Each marker must include the following information on the front of the marker:

- the phrase “PESTICIDE APPLICATION,” “PESTICIDE TREATMENT,” or “PESTICIDES APPLIED;”
- the date and time of the residential lawn application; and
- instructions to not enter the treated portion of the property or remove the markers for 24 hours.

Why Is the Date and Time of Application Required to Be Put on the Visual Notification Markers?

The markers must be in place for 24 hours. This requirement can only be enforced if the date and time are indicated on the markers. Homeowners will

know when these signs should be removed, law enforcement agents can verify compliance, and, in the event the markers are not removed in a timely manner, people approaching the treated area will have an indication as to when the application actually occurred. By using crayons or other “erasable” marking devices, visual notification markers can easily be reused.

Why Do I Have to Put Markers No Further than Fifty Feet Apart?

The fifty foot distance was selected to increase the likelihood that people will read the signs, avoid the treated areas, and reduce risk of exposure. The intent is to notify persons who would walk across the lawn, not using the normal entry point.

Do I Have to Post Visual Notification Markers along Fences and Hedges?

No. You need not place markers along any portion of the perimeter of the treated area which is rendered impassible by a fence, wall, hedge or similar device or natural topographic feature. However, every treated area of over 100 square feet must be marked by at least two visual notification markers.

When Do I Have to Have the Markers in Place?

The markers must be in place placed prior to the application and remain posted for a period of not less than 24 hours following the application.

How Far in Advance Can I Post the Visual Notification Markers?

The markers must be placed on the day of the application and must be in place prior to the application.

Do I Have to Buy Visual Notification Markers?

No. You can make your own marker as long as they meet the requirements for markers described above.

Can I Reuse Visual Notification Markers?

As long as the markers include all of the required information, including the date and time of the current application, they may be reused.

Are There Any Lawn Pesticides I Can Use and Be Exempt from the Visual Notification Requirement?

No. Any residential lawn application of more than 100 square feet must meet the visual notification requirements.

If I Make a Residential Lawn Application, Do I Have to Give My Neighbors 48 Hours Notice?

No. Posting of visual notification markers gives neighbors all of the notice required by the Neighbor Notification Law.

What Are My Obligations under the Neighbor Notification Law If I Hire a Pesticide Applicator to Apply Pesticides to My Lawn Trees or Shrubs?

You have no obligations under the Neighbor Notification Law if your lawn applications are made by a commercial applicator. Your commercial lawn applicator, however, is required to comply with all of the commercial lawn application provisions of the Neighbor Notification Law.

Who Enforces the Neighbor Notification Law?

The Neighbor Notification Law will be enforced by your County government.

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;
- 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?

If the Neighbor Notification Law is effective in your County, you should call your County government. See the blue pages in your telephone book. If the Neighbor Notification Law is not in effect in your County, or if you want of to file a complaint related to pesticide drift, questions may be directed to your Regional Office of the Department of Environmental Conservation.