

Policy: **Pesticide Application/Handling**
Responsible for Policy: Environmental, Health and Safety
Governance Body Oversight: College Council
Date of Last Review: January 2022

Policy Number: **E-8**
Most recent approval date: April 2022

Policy Statement

Finger Lakes Community College will ensure compliance with all applicable state and federal laws and regulations pertaining to the use and application of pesticides and ensure that all individuals involved with the application and handling of pesticides have access to and knowledge of the related legal framework, appropriate safety precautions, procedures, and understanding of College resources relating to pesticides.

Reason for Policy

The College engages in the application of pesticides and is required to comply with the New York Environmental Conservation Law and the regulations set forth at Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 325 et seq., as well as applicable federal requirements.

Applicability of the Policy

This policy applies to all College employees and outside contractors who label, store, use, transport, or dispose of pesticides, or clean up pesticide spills. In addition, notification requirements are imposed on Facilities and the College's childcare facility.

Definitions

Application of Pesticides: the placement for effect of a pesticide at or on the location where pest control is desired.

Certification: the recognition by the DEC that the individual has demonstrated competency and is therefore authorized to use or supervise the use of pesticides or sell restricted use pesticides.

Certified Pesticide Applicator: a commercial or private pesticide applicator who is certified by the DEC to use, supervise in the use of, or train another individual in the use of any pesticide in any category of use covered by the individual's certification or any individual who is certified to sell restricted use pesticides.

Certified Commercial Pesticide Applicator: a certified applicator who is certified by the DEC to use or supervise the use of any commercial application of pesticides or to sell or supervise the sale of a restricted use pesticide.

Certified Commercial Pesticide Technician: an individual who is at least 17 years of age and is certified to engage in the following:

- (1) commercial use of any general use or unclassified pesticide without supervision; or
- (2) use of any pesticide when working under the direct supervision of a certified commercial pesticide applicator.

Commercial Application of Pesticides: any application of any pesticide except as defined in private or residential application of pesticides.

Commercial Pesticide Apprentice: an individual who has met specific requirements enumerated by DEC, is at least 16 years of age, and is working under the direct supervision of a certified commercial pesticide applicator.

DEC- New York State Department of Environmental Conservation

Integrated Pest Management (IPM): a systematic approach to managing pests which focuses on long-term prevention

or suppression with minimal impact on human health, the environment and non-target organisms; IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and utilizing cultural, physical, biological or chemical pest population control methods to reduce pests to acceptable levels.

Label: the written, printed or graphic matter on or attached to the Pesticide, its immediate container and any outside containers or wrappers.

Pesticide:

1. any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living humans or other animals which the department shall declare to be a pest; and
2. any substance or mixture of substances intended as a plant regulator, defoliant or desiccant.

Pesticide Use: performance of the following pesticide-related activities: application; mixing; loading; transport; storage or handling after manufacturer's seal is broken; cleaning of pesticide application equipment; and any required preparation for container disposal.

Restricted Use Pesticide: a pesticide that is classified for restricted use under the provisions of Article 33 of the Environmental Conservation Law or under section 3(d)(1)(C) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

Under the Direct Supervision of: the act or process in which the application of a pesticide is made by a Certified Commercial Pesticide Technician or Commercial Pesticide Apprentice acting under the instruction, control and authorization of a commercial Certified Pesticide Applicator employed by the same registered business or agency or an individual acting under the instruction and control of a private Certified Pesticide Applicator who is responsible for the actions of that individual.

Related Documents

- Title 6 of the NY Codes, Rules and Regulations (NYCRR) Part 325 – Application of Pesticides
- Title 6 of the NY Codes, Rules and Regulations (NYCRR) Part 326 – Registration and Classification of Pesticides
- New York Social Services Law Section 390-c
- New York Social Services Law Section 390-g
- 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

Review date/action taken:

- March 2011: original approval date
- September 2011: substantive revisions to policy
- September 2012: substantive revisions to policy
- July 2015: no revisions
- 2018: substantive revisions to policy
- January 2022: non-substantive revisions to policy

Procedure: **Pesticide Application/Handling**
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Procedures

For the protection of human health and the environment, it is essential that all activities at the College involving pesticide use be conducted in accordance with applicable requirements.

Integrated Pest Management

The College will employ Integrated Pest Management practices whenever possible in an effort to reduce the amount of pesticides used. As practical, consideration will be given to the use of mechanical controls (i.e., traps) and good sanitation and exclusion techniques to control pests.

Registration, Records and Reports

The College must register with the NYSDEC on forms supplied by Environmental, Health & Safety. An annual fee in the amount specified in Article 33 of the ECL must be paid to the department at the time of registration, except that the College may be exempt from any fee for registration pursuant to section 33-0911 of the ECL.

Applicators, technicians and apprentices will keep true and accurate records in accordance with regulatory requirements. These records will be maintained by the applicator, technician or apprentice on an annual basis, retained for a minimum of three years and be available for inspection upon request by the NYSDEC.

The College will file an annual report with the NYSDEC as required by regulation. However, the applicator, technician or apprentice may choose to self-report to the NYSDEC. If all applicators, technicians and apprentices self-report, FLCC EHS will file only NYSDEC 44-15-26A, List of Applicators and Technicians.

Use and Application of Pesticides

The following segments of this policy outline the College's expectations and requirements for all users and applicators of pesticides on college property:

Before using pesticides, each person must become a Commercial Pesticide Apprentice, Certified Commercial Pesticide Technician or a Certified Commercial Pesticide Applicator.

All Commercial Pesticide Apprentices, Certified Commercial Pesticide Technicians or Certified Commercial Pesticide Applicators will be responsible for compliance with all aspects of applicable New York State and federal regulations, and the requirements of their certifications.

All pesticide waste must be disposed of in accordance with all applicable regulations.

Any outside contractor applying pesticides at the College shall have appropriate certification for the proposed application and shall provide advance evidence of that certification to Facilities and Environmental, Health & Safety.

Before the application of any pesticides, the following are to be considered:

- Evaluation of the need, method and frequency of the pesticide use.
- Pesticide Label and associated warnings
- Use of IPM or a less toxic pesticide, if practical.
- Application planning to prevent exposure to human and environmental receptors (i.e. surface water, sewers, air intake structures).
 - Timing of application
 - Location of application
 - Targeted, accurate application
- Label directions, including proper mixing, storing and disposal of pesticide
- Prevention of spills and back-siphoning.
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- Maintenance of all required pesticide use records.

Advance Notification of Pesticide Application

Facilities must be provided with 72 hours notice prior to any pesticide application made on College property. This includes applications made by certified College employees and outside contractors. Notification may be made by telephone or fax.

Notification must include:

- Applicator's name
- Date and time the application will occur
- Purpose of the application
- Exact location the application will be made (address, building, room, description)
- Name of the pesticide
- Method of application

A Safety Data Sheet (SDS) and product label must be maintained for all pesticides applied on college property. If pesticides are applied inside a College building, occupants have the right to ask for and receive a copy of the label and/or SDS. Exemptions to the 72 hour notification requirement may be granted by Facilities on a case by case basis. If a 72 hour notification waiver is granted, Facilities must still be provided with all the necessary notification information.

Child Care Facility Notification Requirements

Schools and child care facilities are prohibited from using pesticides on playgrounds (includes playground equipment), turf, and athletic or playing fields with the exception of emergency applications of a pesticide as approved by the Ontario County Health Department. This prohibition does not apply to indoor use of pesticides or pesticide applications to buildings or structures.

Prior to pesticide use or application at the Child Care Center, as allowed by regulation, a notice of each pesticide application shall be posted at least 48 hours in advance in a common area, conspicuously visible to persons dropping off or picking up children at the facility.

The College operates a child care facility; therefore, Facilities and the child care facility director must be provided with 72 hours notice prior to the application of a pesticide at the facility or within 150 feet of the facility.

Such notice must include:

- Name and phone number of the responsible party applying the pesticide

- Scheduled date and time of the pesticide application (and, for outdoor applications, an alternative date if the scheduled application cannot be made due to weather conditions)
- Location of the application
- Product name and US Environmental Protection Agency pesticide registration number
- The name and phone number of a representative of the Child Care Center who may be contacted for additional information
- The following statement:

“This notice is to inform you of a pending pesticide application at this facility. You may wish to discuss with a representative of the daycare facility what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product or products being applied, including any warnings that appear on the label of the pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticide Telecommunications Network Information at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health info line at 1-800-458-1158.”

New York State provides exemptions from the 48 hour notification (posting) requirements for certain pesticide applications made at or around a child care facility. Facilities and the child care facility director must receive prior notice of any pesticide application to be made under one of the following exemptions: including (but not limited to):

- the use of an aerosol product with a directed spray in an 18 fluid ounce container or smaller used to protect individuals from imminent threat from stinging and biting insects;
- application made where the Child Care Center will remain unoccupied for a continuous 72 hour period following the application; and
- the use of non-volatile rodenticides and insecticidal baits in tamper-resistant bait stations or in areas inaccessible to children.

New York State has also made an exemption for emergency applications of pesticides made when necessary to protect against imminent threat to human health. However, this emergency application exemption requires that the applicator make a good faith effort to provide the necessary notice to the child care facility and then following the emergency application, notify the Commissioner of the NYS Department of Health that an emergency pesticide application has occurred. Approval of such emergency applications must be obtained from the director of Facilities prior to the application.

Forms/Online Processes

- Child Care Facility Pesticide Notification Form
- Emergency Pesticide Application Notification Exemption Reporting Form
- NYSDEC Form 44-15-26 Applicator/Technician Annual Pesticide Report
- NYSDEC Form 44-15-26A List of Commercial Applicators and Technicians

Appendix

- None

Review date/action taken:

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