

## NEIGHBOR NOTIFICATION LAWS SUMMARY OF PROVISIONS

	<b>New York 2001 Neighbor Notification Pesticide Law</b>	<b>Connecticut</b>	<b>New Jersey</b>
<b>MAJOR REQUIREMENT</b>	<p>Advanced Notification - <b>MANDATE:</b> Lawn care companies must provide <u>48-hour written</u> advance notice to occupants of all abutting properties within 150 feet of an eligible pesticide application, and to owners or owners' agents of all other types of premises that are on abutting property within 150 feet of the site of such application. Abutting property is any property which borders the property on which the commercial lawn application is to be made, with no public road in between. Such <u>written notice may be provided in any reasonable manner</u> including email, post mail, or hand delivery. Also required to <u>include 2 alternative dates</u> if visit is not possible. [may provide a single notice with all application dates, but if a date changes must give 48 hour notice]</p> <p>Homeowner Applications - Residents (owners, leasers, renters) must post visible flags if they apply pesticides on more than 100 square feet of property, as commercial applicators do. Can make these signs themselves.</p>	<p>Advanced Notification - <b>REGISTRY:</b> Lawn care companies must provide 24-hour advance notice to occupants of all abutting properties within 150 feet of an eligible pesticide application, and to owners or owners' agents of all other types of premises that are on abutting property within 150 feet of the site of such application. <u>Neighbor registers to be notified and notification is flexible (may be phone, letter, email)</u>. The DEEP sends list to all landscapers once a year with the registrants.</p> <p>Homeowner Applications - Residents must post flags if they apply pesticides on more than 100 square feet of lawn, as commercial applicators do. Can purchase these signs at local stores.</p>	<p>Advanced Notification - <b>REQUEST:</b> Homeowners or tenants may request of the lawn care company of a neighboring property to be notified in advance of a pesticide application. When such need for notification is identified, notification shall be made and reasonable precautions taken, including the allowance of <u>sufficient time</u> for those notified to take appropriate precautions, before application may commence.</p> <p>Homeowner Applications – no regulation</p>
<b>APPLICABILITY</b>	<p>Advanced Notification - Applies to all commercial lawn pesticide applications except: certain nontoxic and low-toxicity pesticides; <u>granular pesticides</u>; spot treatments of less than 9 square feet; emergency applications; and spot treatments for stinging and biting insect control.</p> <p>Homeowner: Applies to all general use lawn pesticides including for ground, trees and shrubs.</p>	<p>Advanced Notification - Applies to all commercial lawn pesticide applications except: certain nontoxic and low-toxicity pesticides; emergency applications; and spot treatments for stinging and biting insect control.</p>	<p>Advanced Notification - Applies to all commercial lawn pesticide applications except: certain nontoxic and low-toxicity pesticides; emergency applications; and spot treatments for stinging and biting insect control.</p>

<p><b>PENALTIES</b></p>	<p>Commercial applicators will be subject to the same penalties as they are under other aspects of the pesticide law: a civil penalty of up to \$5,000 for the first violation, and up to \$10,000 for each subsequent offense. Violators may also be subject to criminal sanctions with steeper fines and possible prison terms depending on the type of pesticides involved and culpable mental state.</p> <p>First-time violators would receive a written warning and educational materials. They would be liable for a civil penalty of up to \$100 for the second violation, and up to \$250 for any subsequent violation.</p>	<p>First-time violators would receive a written warning and educational materials. They would be liable for a civil penalty of up to \$100 for the second violation, and up to \$250 for any subsequent violation.</p>	<p>Not clear</p>
<p><b>UPSIDE / DOWNSIDE</b></p>	<p>UPSIDE:</p> <ul style="list-style-type: none"> <li>- Less likelihood of slips if mandated across the board</li> <li>- Easier for it to become business as usual for the landscaper and therefore part of the system.</li> <li>- 48 hours notice allows for better protection</li> <li>- Burden on landscaper, not homeowner</li> </ul> <p>DOWNSIDE:</p> <ul style="list-style-type: none"> <li>- Effort on landscaper</li> <li>- Does not include granular pesticides</li> <li>- Does not require homeowners to give advance notification</li> </ul>	<p>UPSIDE:</p> <ul style="list-style-type: none"> <li>- Burden is on the homeowner to register</li> <li>- Dept. of Enviro Protection can be more aware of who is requesting</li> </ul> <p>DOWNSIDE:</p> <ul style="list-style-type: none"> <li>- Register just once a year</li> <li>- 24 hours notice required vs. 48 or 72</li> <li>- Promoting the registry may be hard. If residents don't know about it they are at more risk of accidental exposure.</li> <li>- May incur costs to the state/town</li> <li>- Risk they won't receive the notice if they move and haven't signed up for the registry</li> </ul>	<p>UPSIDE:</p> <ul style="list-style-type: none"> <li>- Some protection mechanism exists.</li> <li>- Shows DEP is open to this concept</li> </ul> <p>DOWNSIDE:</p> <ul style="list-style-type: none"> <li>- Doesn't go far enough. Sets not time frame; language is vague;</li> <li>- Neighbor may not know who is the landscaper.</li> <li>- Landscapers can change and neighbors won't know it until it is too late;</li> <li>- Puts burden is on homeowner.</li> </ul>

**NOTE:** Fairfax California: requires both commercial and residential pesticide applicators spraying a neighbor's property to give them a written notice two days in advance of the spraying. Neighbors of the affected properties shall receive a minimum of 48 hours notice prior to the application of pesticides. A visible 8 1/2 x 11 Pesticide Alert notice on a form approved by the Town of Fairfax shall be posted in a conspicuous place on the front of the property where the pesticide application will occur and an approved written notice delivered 48 hours in advance either by a mail service or a hand delivered 8 1/2 x 11 notice attached to an accessible front door or front gate if locked of every separate residential unit within 150 feet of the posted property.