



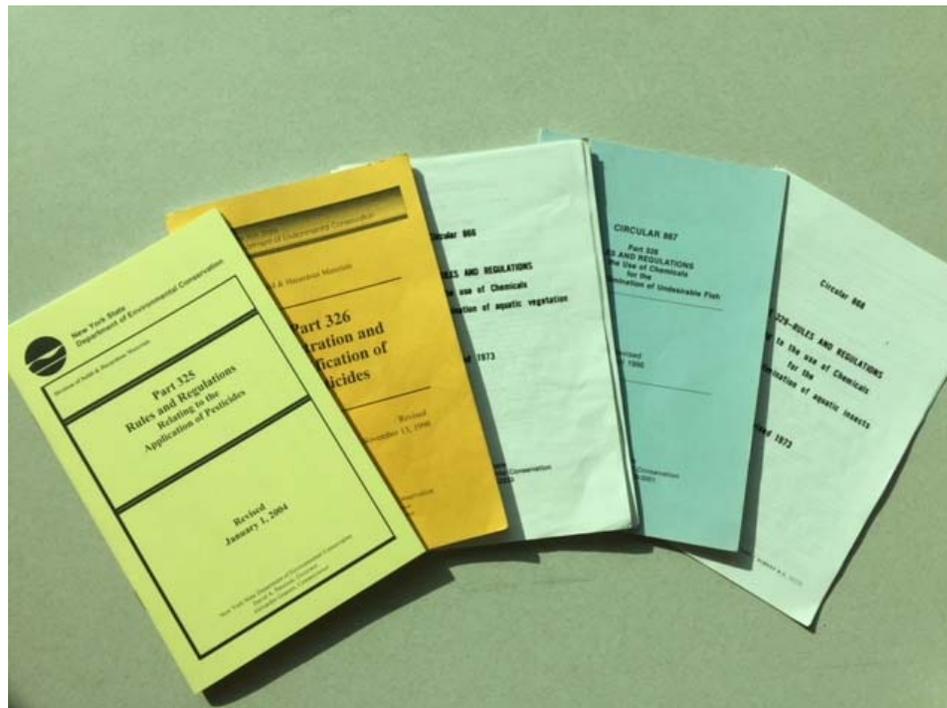
Department of
Environmental
Conservation

Bureau of Pesticides Management: 320 Series Rulemaking

Stakeholder Meeting
2019

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Revising Part 320 Series Regulations



FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Part 320 Series Regulations

- Restructure and Clarify Current Regulations
- Update Regulations to Reflect Current Business Practices and Application Methods
- Registration of Minimum Risk Pesticide Products
- Incorporate the Requirements of the:
 - Federal Certification of Pesticide Applicators Rule (Referred to as the Federal C & T Rule)
 - Federal Worker Protection Standard (WPS)
 - Federal Container & Containment (C&C) Rule

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Federal Certification & Training Rule

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Certification & Training

Mandatory Requirements of the Federal C & T Rule

- DEC will Submit the State Certification & Training Plan to EPA by March 6, 2020
- EPA's Deadline to Approve the State's Plan is March 6, 2022
 - The Approval will Include an Implementation Timeframe Agreed to by EPA and DEC

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Minimum Age of 18 for All Certified Applicators and Noncertified Applicators

Proposed Changes:

- Establish a Minimum Age of 18 for:
 - Private Applicators
 - Commercial Applicators
 - Technicians
- Maintain the Minimum Age of 16 for Apprentices
 - Prohibit Apprentices from Handling Restricted Use Pesticides (RUPs) Until The Age of 18

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Certification Categories for Aerial Application, Soil Fumigation, and Non-Soil Fumigation

Proposed Changes:

- Add a Soil/Non-Soil Fumigation to Both Commercial and Private Certification Categories
- Develop a Separate Aerial Category for Private Certification

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Annual Training for Noncertified Applicators*
(*EPA Guidance **states** Apprentices and Certified **Technicians are Considered Noncertified Applicators**)

Proposed Changes:

- Technicians Take Core Training Each Year During a 3 Year Certification Cycle
- Apprentices Take Department Approved Course Annually

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Recordkeeping Requirements for Annual Noncertified Applicator Training

Proposed Changes:

- Add the Apprentice Annual Training Records Requirement to the Current Apprentice Training Records Requirements
- Add Annual Records Requirement for Certified Technician Training

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Eliminate Non-Reader Certification for Private Applicators

Proposed Change:

- Eliminate Special Permits

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mandatory Requirements of the Federal C & T Rule

- Requirement: Use of Only Materials Approved by the State Certifying Authority to be Provided and Collected by the Proctor at the Certification Examinations

Proposed Change:

- Initiate Closed Book Category Exams

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Certification & Training

Pesticide Certification Categories:

- Concern: Numerous Categories Make it Difficult to Qualify and Obtain Recertification Credits and Some Categories Overlap in Methods, Sites or Uses

Proposed Changes:

- Renumber Categories and Remove “Subcategory” Language
- Redefine Categories to Include Policy Documents and Enforcement Discretion Memoranda
- Combine Similar Categories

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Private Pesticide Certification Categories:

Currently 7 Private Categories/Subcategories:

Field & Forage; Fruit; Vegetable; Greenhouse & Florist;
Nursery, Ornamentals & Turf; Ag Animal; and Aquatic

- Streamline by Combining into One General “Agricultural” Category
- Create New Specific Fumigation and Aerial Categories
 - Required by New Federal C & T Rule

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Commercial Pesticide Certification Categories:

Currently 28 Commercial Categories/Subcategories

- Streamline by Combining Similar Categories

For Example Combine:

- 1B Agricultural Animal
- 1C Companion Animal

Into New Category:

- Agricultural & Companion Animal

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Commercial Pesticide Certification Categories:

For Example Combine:

- 2 Forest
- 3A Ornamentals, Shade Trees & Turf
- 3B Turf
- 3C Interior Plant Maintenance
- 6A Right-of-Way Vegetation Control

Into New Category:

- Vegetation Management

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Commercial Pesticide Certification Categories:

For Example Combine:

- 5A Aquatic Plant
- 5B Aquatic Insect & Misc. Organism
- 5C Aquatic Fish

Into New Category:

- Aquatic Pest Control

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Commercial Pesticide Certification Categories:

For Example Combine:

- 6B Right of Way In Place Pole
- 7D Lumber & Wood Products

Into New Category:

- Wood Preservation

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Commercial Pesticide Certification Categories:

For Example Combine:

- 7A Structural & Rodent
- 7F Food Processing

Into New Category:

- Structural Pest Control

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Mold Remediation - Future Regulation?

- Concern: Lack of Oversight of Mold Remediation Businesses and Pesticide Products Used in Mold Abatement

Proposed Change:

- Require Pesticide Certification of Mold Remediation Applicators
- New Category of Pesticide Certification?
 - Mold Control & RUP Antimicrobial

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Eligibility:

- Concern: 30 Hours of Eligibility Training is Too Much for Some Categories and Not Enough for Other Categories

Proposed Changes:

- Update Certification Eligibility (aka 30 Hour) Course Requirements so its Elements Reflect the Complexity of the Particular Category
- Establish a Core Training Standard

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Eligibility:

- Concern: 30 Hours of Eligibility Training is Too Much for Some Categories and Not Enough for Other Categories

Example (1A): 18 Hours Core Training

+ 8 Hours Category Specific Training

26 Hours Eligibility Course Requirement

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Recertification:

- Concern: Applicators Taking Category Specific Training Only May Not Receive Updated Safety or Regulatory Information
 - Proposed Change:
 - Develop a Core Recertification Credit Requirement

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Recertification:

- Concern: Continuing Education Should Not Be Considered a Penalty

Proposed Changes:

- Eliminate Penalty Credits
- Revise Expiration Deadlines for Recertification
- Simplify the Process for Reinstatement
- Possibly Require Examination Instead of Credits

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Supervision:

- Concern: Inadequate Supervision of Some Apprentices

Proposed Change:

- Limit the Number of Apprentices Supervised by a Certified Applicator

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Supervision:

- Concern: Apprentice Training Records Difficult to Obtain

Proposed Changes:

- Training Records Must Be Maintained Throughout Employment AND a Minimum of 3 Years After Employment Ends
- Require Employer to Provide Records Upon Request

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Certification & Training

Course Sponsors and Instructors:

- Concern: Pesticide Training Course Procedures Not Currently Outlined in Regulations

Proposed Changes:

- Incorporate Existing Course Procedures
- Clarify Acceptable Course Instructor Credentials

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Pesticide
Certification & Training Regulations to:

pestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Business & Agency Registration

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Specify Businesses and Locations that Must Register

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Add Language to Allow Subcontracting

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Update Insurance Requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Clarify Business Requirements and Restrictions for Employees and Supervising Applicators

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Allow Certified Technicians to Register a Business in Most Categories of Certification

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Businesses:

- Concern: Existing Regulations Need Clarification and Updating to Include Department Procedures and Current Business Practices

Proposed Changes:

- Modify Vehicle and Equipment Identification Requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Business & Agency Registration

Agencies:

- Concern: Existing Regulations Need Updating, Clarification, and a Provision for Agency Shared Service Agreements

Proposed Changes:

- Specify Agencies and Locations that Must Register
- Registration of Not-For-Profit Organizations that Apply Pesticides
- Allow for Agency Shared Services Agreements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Pesticide Business or
Agency Registration Regulations to:

pestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Commercial Permits

Restricted Pesticide Dealers and Distributors

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

Mandatory Requirements of the Federal C & T Rule

- Requirement: Recordkeeping Requirements for Restricted Use Retail Dealers

Proposed Changes:

- Expand Existing Commercial Permit Recordkeeping Requirements to Include:
 - Name and Address of Certified Applicator who Purchased the Restricted Use Pesticide (RUP)

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

Mandatory Requirements of the Federal C & T Rule

- Requirement: Recordkeeping Requirements for Restricted Use Retail Dealers

Proposed Changes:

- Expand Existing Commercial Permit Recordkeeping Requirements to Include:
 - Certification Expiration Date of Certified Applicator who Purchased the RUP

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

Mandatory Requirements of the Federal C & T Rule

- Requirement: Recordkeeping Requirements for Restricted Use Retail Dealers

Proposed Changes:

- Expand Existing Commercial Permit Recordkeeping Requirements to Include:
 - Certification Category Relevant to RUP Purchased

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

- Concern: Existing Regulations for RUP Sales are in Multiple Parts and Need Clarification

Proposed Changes:

- Combine Regulations for Commercial Permits and RUP Sales into One New Part

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

- Concern: Existing Regulations for RUP Sales are in Multiple Parts and Need Clarification

Proposed Changes:

- Refer to Commercial Permit Holders as Restricted Pesticide Dealers

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

- Concern: Existing Regulations for RUP Sales are in Multiple Parts and Need Clarification

Proposed Changes:

- Require Commercial Permit for E-Sales/
E-Commerce (Internet Sales) of RUPs

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Commercial Permits Restricted Pesticide Dealers and Distributors

- Concern: Existing Regulations for RUP Sales are in Multiple Parts and Need Clarification

Proposed Changes:

- Clarify Sales and Delivery of RUPs:
 - Who can Purchase or Possess
 - Delivery Requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Commercial Permit
Pesticide Regulations to:

pestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Pesticide Use

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Mandatory Requirements of the Federal C & T Rule

- Requirement:
 - Establish Supervision Requirements for Certified Commercial and Private Pesticide Applicators
- Proposed Changes:
 - Require Supervising Applicators to:
 - Ensure Noncertified Applicators Under Their Supervision are Qualified
 - Minimum Age of 18 (16 for Immediate Family Member of Supervising Private Applicator)

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Mandatory Requirements of the Federal C & T Rule

- Requirement:
 - Establish Supervision Requirements for Certified Commercial and Private Pesticide Applicators
- Proposed Changes:
 - Require Supervising Applicators to:
 - Have Met the Applicable Training Requirements
 - Been Instructed in the Previous 12 Months on the Safe Operation of Pesticide Application Equipment

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Mandatory Requirements of the Federal C & T Rule

- Requirement:
 - Establish Supervision Requirements for Certified Commercial and Private Pesticide Applicators
- Proposed Changes:
 - Require Supervising Applicators to:
 - Ensure Noncertified Applicators Under Their Supervision Have a Means for Immediate Communication With the Certified Supervising Applicator

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Pesticide Use

Mandatory Requirements of the Federal C & T Rule

- Requirement:
 - Establish Additional Recordkeeping Requirements for Certified Commercial Applicators
- Proposed Changes:
 - Expand the Existing Commercial Applicator Recordkeeping Requirements to Include:
 - Name and Address of the Person for Whom the Application is Made
 - Size of Treated Area
 - Time of Application

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Mandatory Requirements of the Federal C & T Rule

- Requirement:
 - Establish Additional Recordkeeping Requirements for Certified Commercial Applicators
- Proposed Changes:
 - Expand the Existing Commercial Applicator Recordkeeping Requirements to Include:
 - Name and Certification Number of Applicator that Made or Supervised the Application
 - Name of Noncertified Applicator that Made the Application if applicable

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Termite Regulations

- Concern:
Industry Standards for Termite Control Have Changed
- Proposed Change:
 - Update Termite Regulations to Reflect Current Practices

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Storage:

- Concern:
Minimal Detail Pertaining to Pesticide Storage
- Proposed Change:
 - Direct Users to Follow Requirements on the Pesticide Label
 - Provide More Detailed Requirements for Pesticide Storage Beyond the Label

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Alternative Containers:

- Concern:
 - Lack of Requirements for Proper Labeling of Pesticides that are Not in the Manufacturer's Original Container (Referred to as Alternative Pesticide Containers in the Law)
- Proposed Change:
 - Require the Proper Labeling of Alternative Pesticide Containers

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Requirements of the 2009 Federal Container & Containment (C&C) Rule

- Requirement:
Pesticide Labels Must Include Container Cleaning Instructions
- Proposed Change:
 - Remove Container Cleaning Language from Regulations and Refer to Product Label Requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Requirements of the 2009 Federal Container & Containment (C&C) Rule

- Requirement:
 - Pesticide Product Labels Must Contain Container Disposal Instructions

- Proposed Changes:
 - Update Pesticide Container Disposal Requirements to Refer to:
 - Product Label
 - Requirement to follow State and Local Solid Waste, Hazardous Wastes, and Recycling Rules

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Commercial Lawn Applications Contracts:

- Concern:
 - Current Regulations Do Not Reflect Revisions in the Law

- Proposed Change:
 - Clarify the:
 - Contents of the Contracts
 - Items to be Supplied Prior to the Application
 - Update to be Consistent with Existing Program Policy, Statute, and Current Electronic Business Practices

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Visual Notification:

- Concern:
 - Date and Time May Not Be Provided on Visual Notification Markers
- Proposed Change:
 - Require Date and Time of Application on **All** Visual Notification Markers

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Visual Notification:

- Concern:
Posting of Visual Notification Marker Distances and Frequency May Not Reflect the Intent of the Law
- Proposed Change:
 - Reduce the Number of Visual Notification Markers or Reconfigure the Posting requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Visual Notification:

- Concern:
Pesticide Applicator or Business/Agency Information not Required on Visual Notification Markers
- Proposed Change:
 - Require Applicator or Business/Agency Information on Visual Notification Markers

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Label Notification:

- Concern:
 - Not All Businesses Are Able to Provide Amended Labels
- Proposed Change:
 - Replace “Amended Label” with “Abridged Label”
 - Update Label Notification Requirements to Incorporate Abridged Label Allowances for **All Applications**

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Label Notification:

- Concern:
Community-Wide Pesticide Application Notifications are Not Currently in Regulations
- Proposed Change:
 - Update Label Notification Requirements to Incorporate Existing Community-Wide Notification Procedures

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Supervision:

- Concern:
 - Ensuring that On-Site Direct Supervision and Communication Requirements are Adequate to Provide Oversight of the Pesticide Application

- Proposed Change:
 - Establish Minimum Standards for Immediate Voice Communication
 - Revise Requirements for On-Site and Off-Site Direct Supervision
 - Require Apprentice Documentation in Possession During Applications

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Incorporate The Worker Protection Standard (WPS):

- Concern:
Current Regulations do not Address 2015 Revisions to The Federal WPS
- Proposed Change:
 - Incorporate WPS Requirements into Regulations

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Private Applicator Records:

- Concern:
Private Applicator Recordkeeping Requirements Do Not Fully Describe the Application of Pesticides
- Proposed Change:
 - Update Recordkeeping Requirements to Fully Describe the Pesticide Application and meet WPS Requirements

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Anti-Siphon Device

- Concern:
Anti-Siphon Device Policy is Not in Regulation
- Proposed Changes:
 - Amend Requirements for Anti-Siphon Device
 - Define “Water Source”

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Pesticide Use

Access to Application Records for Apprentices and Technicians

- Concern:
 - Records Regarding Application Experience Proving Eligibility Can Be Difficult to Obtain
- Proposed Change:
 - Upon Request by the Department, Employers Must Provide Records of Pesticide Applications Completed by Technicians and Apprentices for the Duration of the Regulatory Retention Requirement

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Pesticide Use
Regulations to:

pestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Minimum Risk Pesticide Products

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Concerns:

- Minimum Risk Pesticide Products Specifically Exempted for Registration by EPA in 1996
 - No Oversight from EPA has Lead to Confusion and Non-Compliant Products
 - Unfair to Registrants of EPA Registered Products
 - Products are Still Considered Pesticides

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Concerns:

- Most States Require Registration
 - Different Label and Registration Requirements
 - Confusing and Cumbersome to Registrants

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Concerns:

- NYS Does Not Register Products but All Other Pesticide Use and Recordkeeping Requirements Apply
 - Confusion Regarding NYS Requirements
 - Users and Potential Users in the State are Unsure of Product Compliance with EPA Exemption Criteria
 - Commercial Applicators are Hesitant to Use Minimum Risk Products Due to Uncertainty of Compliance with Exemption Criteria
 - Staff Spend a lot of Time Reviewing Labels for Compliance

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Concerns:

- Fraudulent Products Pose a Risk to Public Health and the Environment
 - Consumer Protection Concerns Regarding Unrealistic Product Claims
 - Inappropriate and Ineffective Products Labeled for Control of Pests of Significant Public Health Importance (Example: Mosquitoes, Ticks, Bed Bugs)

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Proposed Changes:

- Require Registration in NYS Which Would:
 - Provide Oversight of Products in the State
 - Mitigate Confusion and Clarify Requirements
 - Ensure Compliance with Exemption Criteria
 - Provide a Database of Compliant Products
 - Provide an Online Copy of NYS Acceptable Label
 - Increase Confidence in Compliance
 - Increase Use of Minimum Risk Pesticide Products

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Proposed Changes:

- NYS Registration Would Clarify That Certain Products Should Not Be Used
 - Protect Public Health by Ensuring Products with Public Health Claims are Not Registered for Use
 - Ensure Products Are Not Labeled for Aquatic Use

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

Proposed Changes:

- Revise Regulations to be In-Line with:
 - Other States
 - Guidance developed by Association of American Pesticide Control Officials (AAPCO) 25(b) Workgroup

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

AAPCO 25(b) Workgroup Label Guidance:

- Products Must Comply with 6 Conditions Outlined by EPA
- Signal Word and Keep Out of Reach of Children Statement to be Located Prominently on the Front Panel of the Label
- Both Active and Inert Ingredients are to be Listed in Column Form and Total 100%
- Inert Ingredients are to be Listed on the Label In Order of Highest Percentage First

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

AAPCO 25(b) Workgroup Label Guidance:

- NO Images of Children are Acceptable on Labels Unless the Product is Intended for Use on Children
- All Claims on the Manufacturer's Website Must Comply with 6 Conditions Outlined by EPA
- Labels to Include Specific Use Site Locations

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

AAPCO 25(b) Workgroup Label Guidance:

- Non-Toxic Claims are Not Acceptable. The Terms “Organic” or “Certified Organic” in Reference to the 25(b) Product are Unacceptable
- “Natural” Claims Not Allowed if Product Includes Synthetic Chemicals or Those Derived Synthetically
- Claims such as “Safe” or “Safe Around Children and Pets” are Acceptable Only When Accompanied by the Qualifier “...When Used as Directed”

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Minimum Risk Pesticides

AAPCO 25(b) Workgroup Label Guidance:

- Data May be Required to Substantiate Any Claim That Appears on the Label or Labeling
 - Department Does Not Intend to Require Efficacy Data to be Submitted with All Products

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Minimum Risk
or Part 326 Pesticide Regulations to:

pestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Aquatic Pesticides

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Aquatic Pesticides

- Concern: Current Regulations are Outdated and Do Not Reflect the 1990 Amendments to Article 15 of the ECL
 - Permit Required for Application of a Pesticide to Surface Waters of the State
 - Distinction Between Application of “Pesticides” and “Chemicals”
 - Eliminated References to Specific Pests
 - Affirmed Department’s Aquatic Pesticide Application Permit Authority

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Aquatic Pesticides

- Proposed Change:
 - Combine All Aquatic Regulations (Parts 327, 328, 329) Into One Part
 - Streamline and Eliminate Discrepancies
 - Remove References to Specific Pests
 - Clarify “Direct Application of Pesticides to or in Surface Waters”
 - Specify Current Permit Exemptions
 - One Acre or Less in Size Which Has No Outlet To Surface Water
 - Copper Sulfate Use by Water Supply Agencies

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Department of
Environmental
Conservation

Aquatic Pesticides

- Concern: Administrative Practices and Policies Not Contained in Regulations

Proposed Change:

- Update Regulations to Reflect Current Accepted Practices
- Update the Process of Notifying Riparian Owners
 - Regulatory definition of persons “likely to be adversely affected”

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Aquatic Pesticides

- Concern: Lists of Authorized Chemicals and Specifications are Outdated

Proposed Change:

- Update Regulations to Remove Specific References
- Remove Outdated Lists
- Refer to Label as Primary Source for Use and Restrictions
- Maintain Some Restrictions?
 - Swimming

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions?

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

Questions or Comments?

Submit Written Comments for Aquatic Pesticide
Regulations to:

AQpestregs@dec.ny.gov

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL



Thank You!

Bureau of Pesticides Management
625 Broadway
Albany, NY 12233-7254
(518) 402-8788

Webpage: <http://www.dec.ny.gov/chemical/298.html>

Connect with us:

Facebook: www.facebook.com/NYSDEC

Twitter: twitter.com/NYSDEC

Flickr: www.flickr.com/photos/nysdec

FOR INFORMATIONAL PURPOSES ONLY, NOT A FINAL PROPOSAL

