

CONTRACTING FOR LAWN CARE SERVICES?

A Guide for Homeowners Purchasing Pest Control Services for Their Lawns



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New York State law requires that a written contract be signed before pesticides are applied by a lawn care company to a residential property.

This contract is a legally enforceable agreement between you and your lawn care company or pesticide applicator. It specifies what products and services will be provided and how much you will have to pay for them.

Why should I be concerned about the details of the contract?

You can help to protect your family, pets and personal property from the potentially harmful effects of pesticides with a well crafted contract. All pesticides, including the weed and insect controls used on lawns, trees and gardens, are potentially dangerous. In a contract, you can limit which pesticides, if any, will be applied. By knowing in advance which pesticides will be applied, when they will be applied, and what their toxic properties are, you can be prepared to take precautions to avoid unnecessary exposure to pesticides.

Your lawn care company is responsible for making sure that the contract meets the law's minimum requirements. You are free to change your lawn care contract by adding various terms that will help protect you. In this brochure, we suggest some additions that you may want to consider.

New York State law requires that your contract contain:

- ✓ *All warnings of potential harm to humans, pets or the environment found on the label of each pesticide that will be applied.*
- ✓ *The brand and generic names of the active ingredients of each pesticide that will be used on your property.*
- ✓ *The total number of applications to be provided and the total cost of the entire pesticide application program.*
- ✓ *The dates when pesticides will be applied to your lawn. The law allows these dates to be stated as an approximate range.*
- ✓ *The lawn care company's business registration number, applicator certification ID number, name, address, and phone number.*

If the company can't apply pesticides according to the original schedule, the law requires that they get your permission before applying any pesticides on alternate dates.

Note: Look out for an automatic renewal clause commonly found in lawn care contracts. If you are not fully comfortable with the renewal provision, you should remove it before signing the contract.

In addition to a contract, state law or regulations require the lawn care company to:

Post warning signs on your property indicating that pesticides were applied. The signs must be yellow with black lettering.

- ✓ Each sign must be at least 4" x 5". Signs up to 5" x 5", signs must be placed not more than 50' apart along the perimeter of the treated area or, if the signs are at least 5" x 6", they can be placed not more than 100' apart. The top of the sign must be at least 12" above the ground.
- ✓ The signs must be posted at common entry points adjacent to the treated areas. If the treated area is impassable, two signs are enough.

Tell you the actual date and time of pesticide application either by including that information on the warning sign or by providing the information to the property owner before leaving the property.

A complete listing of regulatory requirements for lawn care contracts is available on the internet at: www.dec.state.ny.us/website/regs/part325.html#325.40

The NYSDEC commercial lawn application policy is available on the internet at: www.dec.state.ny.us/website/dshh/pesticid/policy.html

To help protect your family, pets, and property from the dangers of pesticide applications, consider adding terms to the contract, beyond those required by law, that:

- ✓ Require that the contract state *the specific pesticide(s) to be applied on specific date(s)*.
- ✓ Require the contractor *to inform you at least 48 hours before any pesticide application* if this information cannot be provided when the contract is signed.
- ✓ Require the contractor to give you *a reminder call at least 48 hours in advance* of any application of pesticide to your property.
- ✓ Require the contractor *to list in the contract alternate dates for pesticide applications* in the event that application cannot be done as originally scheduled.
- ✓ Require that the contractor *notify you in person* of the date and time of each completed pesticide application *and post that information*, along with the name(s) of the pesticide(s) applied, on the warning signs around your property.

Before signing the contract, request and review the complete labels of all pesticides to be applied.

A final note:

All New Yorkers should consider Integrated Pest Management (IPM) as an alternative to pesticides. IPM is an extremely effective approach that uses mechanical, physical, biological and, as a last resort, chemical methods to control pests and maintain a healthy lawn. Many lawn care companies provide this service, or you can do it yourself. For more information about IPM, see:

www.ag.ny.gov/bureaus/environmental/about.html

New York State's "Neighbor Notification" Law, a separate statute, authorizes counties and New York City to adopt local laws that require commercial pesticide applicators to provide 48 hours' advance notice to occupants of neighboring dwellings with property lines within 150 feet of the application. Such local laws have now been adopted in New York City and the counties of Albany, Monroe, Nassau, Rockland, Suffolk, Tomkins, and Westchester. If you live in any of those areas, be sure that your contractor provides the required notice.

If you use a lawn care service, the best way to insure that you get the services you want is by having a contract that clearly explains the services to be provided. If the contractor is applying pesticides, the law requires that you have a contract that includes some specific information. This brochure explains some legal requirements for lawn care services that include the application of pesticides and highlights some issues to which you may want to pay special attention.