

Pesticide Certification at Cornell -- Frequently Asked Questions (FAQ)

Q1. Where do we find the most recent Cornell policy guidelines regarding DEC licensing for pesticide applicators?

The following is a link to the Cornell Health and Safety Policy 2.4 which contains the pesticide use policy for the university:

[\[http://www.dfa.cornell.edu/dfa/treasurer/policyoffice/policies/volumes/facilities/health.cfm\]](http://www.dfa.cornell.edu/dfa/treasurer/policyoffice/policies/volumes/facilities/health.cfm).

The following is the link to the NYS DEC web site that outlines certification requirements in New York: [\[http://www.dec.ny.gov/permits/209.html\]](http://www.dec.ny.gov/permits/209.html)

Q2. For persons charged with making pesticide recommendations, please advise which types of certification are A) **required** or B) **recommended**:

A). If Cornell faculty and staff make pesticide recommendations and are not conducting any pesticide applications, they are not required to be certified pesticide applicators (based on NYS regulation and Cornell policy).

B). If a Cornell faculty or staff person chooses to be certified to make pesticide recommendations, they should certify in the category related to their research.

Q3. For persons who supervise technical staff who physically apply pesticides in a research capacity (i.e., in product testing efficacy trials and related research), which types of certification are A) **required** or B) **recommended** for both the supervisor and the technical staff person:

A). When pesticide trials and related research are planned and conducted, the supervisor or technical staff should be licensed in the commodity category and category 10 “demonstration and research” [(ECL) Part 325.16(j)(2)].

B). When pesticide trials and related research are planned and conducted, Cornell guidance strongly recommends that the supervisor should be licensed in the commodity category and category 10 “demonstration and research”. The technical staff person should be licensed in the commodity category. The technical staff person could also carry category 10 if they so desired, but this would not be necessary.

It is strongly recommended that the supervisor be certified in both the commodity category and category 10 “demonstration and research”, regardless of whether or not their technical staff is certified in both the commodity category and category 10. Logistically, the supervisor cannot direct the technical staff if he/she is not certified in category 10.

If the pesticide use is strictly maintenance applications using NYS registered pesticides, then either the technical staff or the faculty person could be certified in the commodity category. This is what is required by NYS and recommended by Cornell.

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Q4. Is it true that as long as I am not personally making pesticide applications, I *do not* need a commercial pesticide certification license even if I, as a University employee, am making recommendations to growers / producers in written form (Cornell Guides) or in grower meetings?

Correct. It is recommended that when speaking or making pesticide recommendations to growers/producers or the general public that a Cornell faculty or staff person use a disclaimer such as:

Every effort has been made to provide correct, complete, and up-to-date information at the time of this presentation/publication. Trade names used are for convenience only. No endorsement of products intended, nor is criticism of unnamed products implied. These recommendations are not a substitute for pesticide labeling. Always read the product label before applying any pesticide.

Q5. Does Cornell currently require us to maintain the research and demo category (10) certification (in addition to 1 main category)? The potential concern/caveat for not keeping the Res & Demo category would be.....?

Cornell requires the same as what the NYS DEC requires. Environmental Conservation Law (ECL) Part 325.16(j)(2) *"Individuals who conduct or supervise field research with pesticides, including State, federal, university personnel and other individuals conducting field research on or utilizing pesticides."* University personnel include faculty members, staff members, students, and any other university-affiliated individuals. If you as a university employee are not directing or supervising the pesticide research, then you do not need to carry category 10 "demonstration and research". Faculty members who make decisions determining pesticide research work and who direct others to make research applications must carry pesticide certification in a category and in category 10 "demonstration and research".

Q6. Is there a formal Cornell requirement to include a statement when making presentations to the effect "use appropriately labeled NY registered pesticides and follow all pesticide label instructions and restrictions"? An equivalent statement is already contained in our Cornell publications.

It is highly recommended that you make a disclaimer when presenting any pesticide information or recommendation in a public forum. After doing some research on policies, It is not apparent that this is a requirement.

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Q7. Will Cornell defend me in the event of a lawsuit over a pesticide issue? Will having a license impact my liability?

Cornell will provide legal counsel on behalf of an employee to defend them in case of a lawsuit provided they have operated and conducted themselves in a legal and safe manner. If an employee knowingly breaks the law, Cornell will not indemnify that individual. For further explanation refer to Cornell Policy 4.9 Legal Defense and Indemnification [<http://www.dfa.cornell.edu/dfa/treasurer/policyoffice/policies/volumes/governance/indemnification.cfm>].

For more information or clarification of pesticide regulations and policy please contact Eric Harrington in the CALS Occupational and Environmental Health office [255-0485, eh22].