



Request for Determination of an Environmental Emergency Pursuant to Environmental Conservation Law (ECL) Article 33, Title 13.

READ BEFORE COMPLETING THIS FORM:

- ✓ Use this form to request an Environmental Emergency Determination from DEC regarding the application of a pesticide prohibited under the ECL Article 33-1301(13).
- ✓ Certified pesticide applicators may seek an Environmental Emergency Determination relating to an occurrence of any pest which presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops, including, but not limited to, any exotic or foreign pest.
- ✓ Print all information, except the signature.
- ✓ **ATTACH ADDITIONAL INFORMATION, AS NECESSARY.**
- ✓ Send the completed form to the address above or as an attachment to an e-mail to the e-mail address above.
- ✓ You may find this application in MS Word and PDF format on DEC’s website at: <https://dec.ny.gov/environmental-protection/pesticides> .

1) NAME OF THE CERTIFIED PESTICIDE APPLICATOR:	2) TELEPHONE: E-MAIL:
3) ADDRESS OF THE CERTIFIED PESTICIDE APPLICATOR:	4) CERTIFIED PESTICIDE APPLICATOR IDENTIFICATION NUMBER:
5) HAS THE CERTIFIED PESTICIDE APPLICATOR COMPLETED A DEC-APPROVED NEONICOTINOID COURSE WITHIN THE LAST TWELVE MONTHS? YES [] NO []	
6) NAME OF THE PESTICIDE AND EPA REGISTRATION NUMBER:	7) LOCATION OF THE PROPOSED PESTICIDE APPLICATION:
8) IDENTIFY THE PEST AND DESCRIBE WHY IT IS AN ENVIRONMENTAL EMERGENCY:	
9) DESCRIBE HOW THE PESTICIDE WOULD BE EFFECTIVE IN ADDRESSING THE POTENTIAL ENVIRONMENTAL EMERGENCY DESCRIBED ABOVE:	
10) DESCRIBE WHY THERE IS NO EFFECTIVE LESS HARMFUL PESTICIDE OR PEST MANAGEMENT PRACTICE AVAILABLE TO CONTROL THE PEST:	
10) I affirm under penalty of perjury that information provided on this form is true to my knowledge and belief. I understand that false written statements are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. SIGNATURE OF THE CERTIFIED PESTICIDE APPLICATOR NAMED ABOVE	DATE



INSTRUCTIONS TO COMPLETE FORM

In accordance with the laws of the State of New York pursuant to Environmental Conservation Law (ECL) Article 33, Title 13, certified applicators must obtain a Determination of an Environmental Emergency and a Written Order from the Department of Environmental Conservation (DEC) prior to using pesticide products containing the active ingredients clothianidin, dinotefuran, imidacloprid, thiamethoxam, or acetamiprid to treat outdoor ornamental plants and turf.

If DEC concludes that a valid environmental emergency exists, the proposed pesticide would effectively address the emergency, and no other pesticide or pest management practice would effectively address the emergency, DEC is authorized to issue an Order allowing for the limited use of pesticides subject to the following timeline:

- A. On or after December 31, 2024, pesticides containing the active ingredients clothianidin or dinotefuran; and
B. On or after December 31, 2026, pesticides containing the active ingredients imidacloprid, thiamethoxam, or acetamiprid.

The following numbered directions correspond to the numbered blocks on the "Request for Determination of an Environmental Emergency Pursuant to Environmental Conservation Law (ECL) Article 33, Title 13" form. Please read the instructions carefully and complete the application form accordingly.

To provide DEC with sufficient time for application review, complete applications with all requested attachments must be submitted at least 30 days before the proposed pesticide application date. If all the information is not provided, or if the information is not correct, the application will be incomplete and returned to the applicant for correction. Application review may not begin until a signed, complete application form has been received by DEC.

These instructions are intended to be used only to apply for an Environmental Emergency and Written Order from DEC. There are additional exemptions allowing the use of clothianidin, dinotefuran, imidacloprid, thiamethoxam, or acetamiprid without an Environmental Emergency and Written Order, which include:

- Applications for the production of agricultural commodities.
Structural commercial applications within one foot of a building foundation perimeter to manage structural pests provided that the application is not conducted on any blooming plant.
Applications by, or under the supervision of, a certified applicator for treatment against invasive species affecting woody plants.

1. Name of Certified Pesticide Applicator

List the full name of the certified pesticide applicator requesting the Environmental Emergency Determination and Written Order as it appears on the DEC-issued certification identification card.

2. Phone and E-Mail

List the telephone number and e-mail address of the certified pesticide applicator requesting the Environmental Emergency Determination.

3. Address of the Certified Pesticide Applicator

List the address of the certified pesticide applicator requesting the Environmental Emergency Determination.

4. Certified Pesticide Applicator Identification Number

List the certified pesticide applicator identification number of the certified pesticide applicator requesting the Environmental Emergency Determination and Written Order. The certified pesticide applicator must be certified in the appropriate certification category for which the Environmental Emergency Determination is being requested.

5. Completion of DEC-Approved Neonicotinoid Course

Indicate if the certified pesticide applicator requesting the Environmental Emergency Determination and Written Order has completed a DEC-approved neonicotinoid course within the last twelve months. Applicators using a pesticide containing the active ingredients imidacloprid, thiamethoxam, acetamiprid, clothianidin, or dinotefuran, pursuant to a Written Order, must take a DEC-approved neonicotinoid course annually and maintain a record of the course for three years.

6. Provide the Name of the Pesticide and EPA Registration Number

List the product name and EPA registration number of the pesticide to be applied. The pesticide must be registered by DEC and the proposed use must be in accordance with the pesticide label directions.

7. Provide the Location of the Proposed Pesticide Application

Provide the location where the pesticide application will occur. If there will be more than one application site, a list of locations should be submitted.

“Location” means the physical address of the property on which the pesticide is applied or, if a specific physical address does not exist, a description of the application area including street name, county, municipality, zip code, and other identifying features.

8. Identify the Pest and Describe Why it is an Environmental Emergency

In as much detail as possible, describe how the target pest and situation meets the definition of an environmental emergency. Submit all supporting documentation along with this request. Pursuant to ECL 33-1301(13)(c), pesticide applications for treatment against invasive species affecting woody plants are exempt from the environmental emergency order process.

Pursuant to ECL Article 33-1301(13)(d), “environmental emergency” means: an occurrence of any pest which presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops, including, but not limited to, any exotic or foreign pest.

9. Describe How the Pesticide Would be Effective

In as much detail as possible, describe how the pesticide product would be effective in addressing the potential environmental emergency. Submit all supporting documentation along with this request.

10. Describe Why There is No Effective Less Harmful Alternative

In as much detail as possible, describe why there is no other, less harmful pesticide or pest management practice that would be effective in addressing the potential environmental emergency. Please submit all supporting documentation along with this request.

11. Signature of Certified Pesticide Applicator and Date

The certified pesticide applicator requesting the Environmental Emergency Determination and Written Order must read the affirmation and sign the form.

For Questions, Please Use the Contact Information Below:

Phone: 518-402-8727

E-Mail: pestcomp@dec.ny.gov