GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

DR. TIM BORING
DIRECTOR

Guidance for Lawn Caution Marker Posting and Application Notification at Multi-Unit Residential Properties

Program contact: Caitlin Burkman, MDARD Pesticide Enforcement and Compliance Assurance Unit Manager, BurkmanC@michigan.gov or 517-599-5825.

Background

The Michigan Department of Agriculture and Rural Development (MDARD) has been contacted by lawn care professionals and the public about requirements for posting lawn markers and providing notification at multi-unit residential properties before pesticide applications. For the purposes of this document, the term "multi-unit residential properties" includes apartment buildings, townhouses, condominiums, and manufactured home developments where dense housing arrangements are located on one parcel or property.

At such properties, lawn and ornamental pesticide applications are typically performed by either licensed contracted firms or property management employees. Both entities are obligated to post caution markers at the primary point(s) of entry of treated turf or ornamental sites, except for when general-use, ready-to-use pesticides are applied.

Most complaints received by MDARD from residents at these properties involve the inability to prepare for lawn applications and take measures to safeguard themselves, children, or pets. The purpose of this guidance document is to assist commercial applicators in understanding their obligations and provide recommendations on addressing public concerns. This does not include information on the specific postings or notifications required as part of a community-wide application.

Guidance

Lawn Marker Postings

Applicators must place caution markers at the primary point(s) of entry to the treated turf or ornamental site. For multi-unit properties, MDARD considers the primary point(s) of entry to be the main entrances leading into the complex such as driveways and walkways. Although not required, MDARD recommends applicators adequately alert residents that a particular area was treated by also posting in additional locations.

Such locations could include:

- Entrances to each building near pesticide applications.
- At common areas such as the main office building, mailboxes, dog walks, and play or picnic areas.

Prior Notification

Prior notification before community pesticide applications is required when a treatment is performed on multiple properties, such as county-wide mosquito control. Because multi-unit residential properties are considered one property, prior notification is not required; however, MDARD does recommend proactive communication.

Methods of prior notification could include:

- Ask the property manager to send a notice to residents at the start of each season or contract informing them applications are planned for the year.
- Provide residents the option to ask for notice before each application either via the application business or property management.
- Place a notice on a community bulletin board, either in person or online.
- Place a notice on the front doors of the buildings.

Obtaining Application Information

If the grounds are serviced by a lawn care professional, the applicator must provide certain written information to property management about the pesticide application. Property management must provide this information to residents upon their request.

If grounds are serviced by property management employees, MDARD recommends property management provide residents copies of application records upon request.

Applicable Regulations

Lawn Posting Requirements

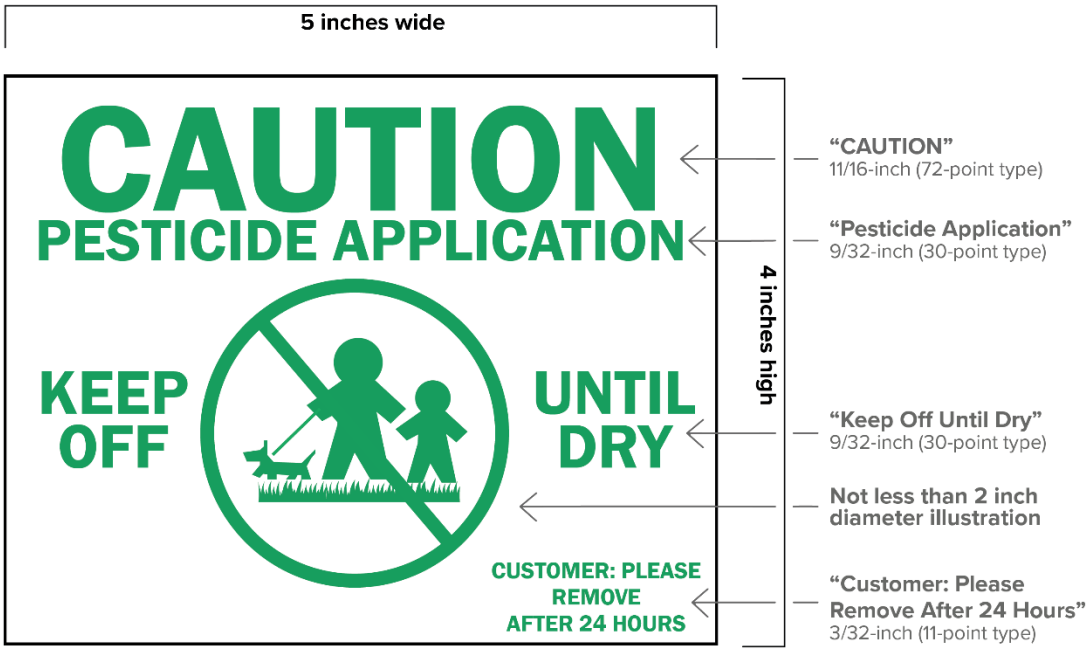
Regulation 637, Pesticide Use, Rule 11
(1) The requirements of this rule do not apply to general-use ready-to-use pesticide.

(2) When making a broadcast, foliar, or space application of pesticides to an ornamental or turf site, other than a golf course or farm production operation, a commercial applicator shall comply with both of the following provisions:

> *(a) In addition to requirements specified in R 285.637.12(1) and (2), an applicator shall inform a customer that lawn markers should remain posted for 24 hours, after which time the customer should remove the lawn markers.*

(b) Immediately following the application, a commercial applicator shall place a lawn marker sign at the primary point or points of entry. Lawn markers specified in this subrule (2) must only be used when making pesticide applications and must comply with all of the following specifications:

(i) Be 4 inches high by 5 inches wide.
(ii) Be constructed of rigid, weather-resistant material.
(iii) Be attached to a supporting device with the bottom of the marker extending not less than 12 inches above the turf.
(iv) Be identically printed on both sides in green letters on a white background using the indicated point type size.
(v) Include only the following information:
(A) The statement "CAUTION" in 11/16-inch high (72-point) type.
(B) The statement "Pesticide Application" in 9/32-inch (30-point) type.
(C) The statement "Keep Off Until Dry" in 9/32-inch (30-point) type.
(D) Have not less than a 2-inch diameter circular illustration that depicts an adult and child walking a dog on a leash. The illustration must depict, using a diagonal line across the circle, that this action is prohibited.
(E) The statement "Customer: Please Remove After 24 Hours" in 3/32-inch (11-point) type.
(F) Additional information not required under this subrule may only be placed on the lawn marker or supporting device with the written approval of the department.



Customer Information Requirements

Regulation 637, Pesticide Use, Rule 12
(1) Before applying a pesticide, a commercial applicator who is required to be licensed by the act, or his or her authorized agent, shall enter into an oral or written service agreement with the customer or authorized agent. The agreement shall specify all of the following:

(a) The customer's consent to services.

(b) The name, address, and telephone number of the firm that provides the pesticide application services.

(c) The approximate schedule, frequency, and duration of anticipated services.

(2) A commercial applicator who is required to be licensed by the act, or his or her authorized agent, shall provide all of the following written information to the customer or to the customer's authorized agent:

(a) The name, address, and telephone number of the firm that provides the pesticide application services.

(b) The full name of the applicator who provides services.

(c) A general description of the target pest or pests to be controlled.

(d) A list of the pesticides applied, including the common name of the active ingredient.

(e) The time and date of the application.

(f) Applicable precautionary warnings or reentry restrictions which appear on the label of the pesticide or pesticides that are applied.

(3) The information required in subrule (2) of this rule shall be provided in one of two ways:

(a) Not later than at the time of each pesticide application.

(b) The information may be provided electronically within 48 hours after the application if the commercial applicator has the written approval of the customer or the customer's authorized agent prior to the application.

…

(10) If the customer is acting in the interest of residents of the treated premises, then the customer shall make the information provided in this rule available to the residents upon request.