

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Lawn Care Sign Posting and Notification Best Management Practices for Condominiums

INTRODUCTION

The Massachusetts Department of Agricultural Resource (“Department”) received inquiries from lawn care professionals and residents about sign posting requirements for lawn applications in Condominium complexes (“Condo” or “Condo Complex”). For the purposes of this Best Management Practice (“BMP”) the term Condo Complex includes, but is not limited to, apartment buildings, townhouses, single family homes in a housing development, and other such dense housing arrangements.

While the use of pesticides on Condo Complex grounds is considered residential use, they are generally handled differently than typical residential properties. In many cases, a lawn care company has been hired by the Condo’s management company, Condo association, or other contracting entity on behalf of the property. This can leave the residents unaware or concerned about the use of pesticides on the lawns of the Condo Complex. The Department has received complaints from residents of the Condo Complex who have not been notified about a pesticide application, either through lack of pre-notification or due to a lack of sign posting.

Therefore, the Department has developed this BMP to assist lawn care companies to better address the concerns of the residents.

BEST MANAGEMENT PRACTICES

NOTIFICATION

State regulation only requires that a lawn care company pre-notify the contracting entity if requested by that entity. However, in a Condo Complex, this poses complexities since the contracting entity is often not the same as those residents living in the Condo Complex. The members or residents are not in direct contact with the lawn care professional but rather are reliant on notifications via the contracting entity. Residents of Condo Complexes have expressed to the Department that they want pre-notification so that they can prepare for the application by taking steps such as closing windows, avoiding going outside during the application, or avoiding areas that are treated. While a contractor is not required to pre-notify the residents, the Department recommends providing notification to all residents in any of the following ways:

- At the beginning of each season or contract, ask the contracting entity to email the Consumer Information Bulletin (“CIB”) and a general notice to all residents stating that lawn care is taking place. In the notice ask that residents to contact the lawn care company if they would like to be pre-notified.
- Post a pre-notification and the CIB on the Condo Complex information board whenever possible, whether this is in an online form or a physical location in the Condo Complex.
- Post a pre-notification and the CIB on the door entrances to buildings within the Condo Complex.

SIGN POSTING

The purpose of the lawn care sign is to alert the resident that an area was treated with a pesticide. The regulations state that signs must be posted at a “conspicuous point of entry.” This is challenging given the way Condo Complexes are set up. While there usually is a main entrance and an exit to the complex itself, each resident has its own entrance and exit from their residences and other buildings on the property, and there may be additional driveway or walkways used.

To ensure that residents are adequately alerted that an area was treated with a pesticide, the Department recommends signs are posted by the lawn care company at the following locations:

- Each building where pesticides were used;
- All entrances to Condo Complex. This includes all known main walkways in and out of the Condo complex, main and secondary driveways into/out of the Condo Complex; and
- At all common areas. This includes, but is not limited to, traffic islands, open lawn areas, play areas, dog walking areas, bulletin boards, picnic area, and mailboxes.

Please note that it may be necessary to post more than one sign in these areas if the area is large with multiple access points.

APPLICABLE RULES/REGULATIONS

333 CMR 13.06 (1)

Residential Properties. No commercial application of pesticides shall be made for the control of turf pests on residential properties without the following provisions:

(a) Prior to entering into any agreement to apply pesticides to residential turf or prior to renewal of an existing agreement to apply pesticides to residential turf, the applicator or his/her employer shall provide the Contracting Entity with a written statement approved by the Department which shall contain such information that the Department deems necessary.

(b) At the time of entering into any agreement to apply pesticides to residential turf, or at the time of renewal of an existing agreement to apply pesticides to residential turf, the applicator or his/her employer shall provide the Contracting Entity with the opportunity to request prior notification from the applicator or his/her employer of each application made to said property.

333 CMR 13.06 (1)

(e) Prior to commencing each application, the applicator shall post a sign or signs, approved by the Department, on the turf intended for treatment. The applicator must leave such sign(s) posted on the property and shall instruct the customer that signs should neither be removed sooner than 24 hours after the application was made nor left up for more than 72-hours. Said signs must be posted at conspicuous points of access to the property.

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