§ 33-0903. Purchase permits.

1. A purchase permit or certification identification card is required for the purchase, possession or use of a restricted use pesticide.

2. Any person desiring such a permit shall file an application containing such information required by the commissioner and in a form prescribed by the commissioner. The commissioner shall examine the application and shall issue or refuse to issue the permit requested therein. The commissioner shall not issue a permit to so purchase, possess or use a particular pesticide if there is a reasonably less dangerous alternative available capable of performing the task required. The commissioner shall impose whatever restrictions or conditions on the permit he deems appropriate in order to fully protect the public interest.

3. Upon the purchase by a purchase permit holder of a restricted use pesticide he shall present his purchase permit and have it cancelled by the commercial permit holder selling the pesticide in a manner to be prescribed by the commissioner.

4. The reasons for the denial of an application or revocation of a permit may include, but not be limited to, the commissioner being satisfied of one or more of the following:

a. That any statement in the application or upon which the permit was issued, is or was false or misleading;

b. That the applicant or permit holder failed to justify his need for the quantity and types of restricted use pesticides requested;

c. That the applicant or permit holder stored, applied, used or disposed of any pesticide contrary to the registered labeled usage or contrary to the conditions specified in his permit;

d. That the applicant or permit holder has failed to comply with any provisions of this article or rules and regulations of the department

made pursuant thereto; or

e. That the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and experience concerning the proper use, application and disposal of pesticides.

5. A formal hearing shall not be required and the commissioner's decision in denying or revoking a permit shall be final unless the applicant or permit holder institutes a review within the time and in the manner prescribed by article 78 of the Civil Practice Law and Rules.

6. The commissioner is authorized to exempt holders of a pesticide applicator certification from the requirement of obtaining a purchase permit as provided for herein. Such exemption shall apply only to those restricted use pesticides designated by the commissioner.