

1743

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 9, 2009

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Introduced by M. of A. ENGLEBRIGHT, J. RIVERA, SWEENEY, GALEF, TITUS,  
SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, GOTTFRIED, McENENY,  
PERRY -- read once and referred to the Committee on Environmental  
Conservation

AN ACT to amend the parks, recreation and historic preservation law and  
the general municipal law, in relation to non-toxic pest management  
and fertilization of park lands

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature hereby finds that the  
2     use of pesticides and chemical fertilizers is incompatible with the  
3     protection of natural resources and pollution prevention. In order to  
4     protect public health and avoid contamination of the environment, the  
5     legislature has determined that all park lands which are owned or leased  
6     by the office of parks, recreation and historic preservation or a muni-  
7     cipality, shall be managed in a manner which avoids the use of toxic  
8     materials and encourages the use of natural materials and techniques.  
9     All government agencies shall be required to utilize an approach to  
10    natural resource management which embodies these concepts.

11    S 2. The parks, recreation and historic preservation law is amended by  
12    adding a new section 13.20 to read as follows:

13    S 13.20 NON-TOXIC PEST MANAGEMENT AND FERTILIZATION. 1. NO PESTICIDE  
14    OR CHEMICAL FERTILIZER SHALL BE APPLIED TO ANY STATE PARK, PARKWAY,  
15    RECREATION FACILITY OR HISTORIC SITE UNDER THE CUSTODY AND CONTROL OF  
16    THE OFFICE.

17    2. TO ASSIST THE OFFICE IN MEETING THE REQUIREMENTS OF THIS SECTION  
18    AND MUNICIPALITIES IN MEETING THE REQUIREMENTS OF SECTION NINETY-NINE-V  
19    OF THE GENERAL MUNICIPAL LAW, A STATE PEST MANAGEMENT COMMITTEE SHALL BE  
20    CREATED AND APPOINTED WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS  
21    SECTION, TO DEVELOP PROCEDURES, METHODS AND OTHER INFORMATION WHICH MAY  
22    BE USED TO ACCOMPLISH PEST MANAGEMENT ON PUBLIC LANDS. THE COMMITTEE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 SHALL CONSIST OF A REPRESENTATIVE OF THE DEPARTMENT OF ENVIRONMENTAL  
2 CONSERVATION, THE OFFICE, THE ADIRONDACK PARK AGENCY, THE OFFICE OF  
3 GENERAL SERVICES, THE DEPARTMENT OF HEALTH, AND SIX MEMBERS APPOINTED BY  
4 THE GOVERNOR; TWO EACH UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEM-  
5 BLY AND THE TEMPORARY PRESIDENT OF THE SENATE. ALL PERSONS WHO ARE  
6 APPOINTED SHALL HAVE EXPERTISE APPROPRIATE TO THE GOALS AND REQUIREMENTS  
7 OF THE COMMITTEE.

8 3. THE OFFICE SHALL DEVELOP AND FILE A PEST MANAGEMENT PLAN FOR ALL  
9 LAND UNDER ITS CUSTODY AND CONTROL WITH THE DEPARTMENT OF ENVIRONMENTAL  
10 CONSERVATION WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF  
11 THIS SECTION. SUCH PLAN SHALL DOCUMENT THE PROCEDURES FOR IDENTIFYING,  
12 MONITORING AND CORRECTING PEST PROBLEMS ON THE LANDS WHICH IT MANAGES.  
13 SUCH PLAN SHALL INCLUDE PROCEDURES FOR HANDLING UNANTICIPATED PUBLIC  
14 HEALTH EMERGENCIES. WHEN A DOCUMENTED PUBLIC HEALTH EMERGENCY ARISES,  
15 WHICH IS CONFIRMED BY THE DEPARTMENT OF HEALTH, THE OFFICE MAY USE A  
16 LEAST-TOXIC AVAILABLE PESTICIDE TO CONTROL A PEST PROBLEM ONLY AS A LAST  
17 RESORT.

18 S 3. The general municipal law is amended by adding a new section 99-v  
19 to read as follows:

20 S 99-V. NON-TOXIC PEST MANAGEMENT AND FERTILIZATION OF PARK LANDS. 1.  
21 NO PESTICIDE OR CHEMICAL FERTILIZER SHALL BE APPLIED TO ANY PARK LAND  
22 UNDER THE CUSTODY AND CONTROL OF A MUNICIPAL CORPORATION.

23 2. EACH MUNICIPAL CORPORATION SHALL DEVELOP AND FILE A PEST MANAGEMENT  
24 PLAN FOR ITS PARK LANDS WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVA-  
25 TION WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS  
26 SECTION. EACH SUCH PLAN SHALL DOCUMENT PROCEDURES FOR IDENTIFYING, MONI-  
27 TORING AND CORRECTING PEST PROBLEMS ON PARK LANDS WHICH IT MANAGES.  
28 SUCH PLANS SHALL INCLUDE PROCEDURES FOR HANDLING UNANTICIPATED PUBLIC  
29 HEALTH EMERGENCIES. WHEN A DOCUMENTED PUBLIC HEALTH EMERGENCY ARISES,  
30 WHICH IS CONFIRMED BY THE DEPARTMENT OF HEALTH, THE MUNICIPAL CORPO-  
31 RATION MAY USE A LEAST-TOXIC AVAILABLE PESTICIDE TO CONTROL A PEST PROB-  
32 LEM ONLY AS A LAST RESORT.

33 S 4. This act shall take effect immediately.