S T A T E O F N E W Y O R K

2144

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT, JACOBS, SCHROEDER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to integrated pest management in municipal facilities

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

Section 1. The general municipal law is amended by adding a new section 99-v to read as follows:

S 99-V. INTEGRATED PEST MANAGEMENT. 1. FOR THE PURPOSES OF THIS SECTION:

(A) "FACILITY" SHALL MEAN THE BUILDINGS, LANDS AND OTHER APPURTENANCES OWNED BY A MUNICIPALITY.

(B) "INTEGRATED PEST MANAGEMENT" SHALL MEAN A DECISION-MAKING PROCESS FOR PEST CONTROL THAT UTILIZES REGULAR MONITORING TO DETERMINE IF AND WHEN CONTROLS ARE NEEDED; EMPLOYS PHYSICAL, MECHANICAL, CULTURAL, BIOLOGICAL AND EDUCATIONAL TACTICS TO CONTROL CONDITIONS THAT PROMOTE PEST INFESTATIONS AND TO KEEP PEST POPULATIONS AT TOLERABLE DAMAGE OR ANNOYANCE LEVELS; AND ONLY AS A LAST RESORT, UTILIZES LEAST-TOXIC PESTICIDE CONTROLS. THE OVERALL GOAL OF SUCH MANAGEMENT IS TO ELIMINATE THE UNNECESSARY USE OF PESTICIDES AND REDUCE THE USE OF ALL PESTICIDES.

(C) "MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE.

2. TO ENSURE THAT MUNICIPAL FACILITIES ARE SAFE AND HEALTHY ENVIRONMENTS FOR WORKERS, THE PUBLIC AND OTHER OCCUPANTS, CERTAIN REQUIREMENTS SHALL BE PLACED ON PESTICIDE USE IN SUCH FACILITIES.

3. EVERY MUNICIPALITY SHALL ESTABLISH AN INTEGRATED PEST MANAGEMENT PLAN FOR ALL PEST CONTROL ACTIVITIES. ALL SUCH PLANS SHALL BE ESTABLISHED AFTER PUBLIC REVIEW AND APPROVAL BY THE GOVERNING BOARD OF THE MUNICIPALITY. SUCH PLANS SHALL UTILIZE INTEGRATED PEST MANAGEMENT TECHNIQUES TO MANAGE AND CONTROL PESTS AND PROBLEMS. EACH INTEGRATED PEST MANAGEMENT PLAN SHALL INCLUDE A PROVISION FOR PUBLIC ACCESS TO ALL INFORMATION ABOUT THE IMPLEMENTATION OF THE PLAN. MUNICIPALITIES MAY

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

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CREATE ADVISORY COMMITTEES TO ASSIST IN THE DEVELOPMENT OF THE INTEGRATED PEST MANAGEMENT PLAN, AND TO MONITOR THE IMPLEMENTATION OF THE PLAN.

4. NO MUNICIPALITY SHALL CONDUCT PESTICIDE APPLICATIONS TO ITS FACILITIES WHICH ARE PREVENTIVE IN NATURE AND DO NOT RESPOND TO EXISTING, VERIFIABLE PEST PROBLEMS. IN EVERY INSTANCE IN WHICH A PESTICIDE APPLICATION IS CONDUCTED AT A FACILITY, THE MUNICIPALITY SHALL:

(A) HAVE ALL SUCH APPLICATIONS CONDUCTED BY A CERTIFIED COMMERCIAL APPLICATOR. NO PESTICIDE APPLICATION SHALL BE CONDUCTED BY ANY PERSON WORKING UNDER THE DIRECT SUPERVISION OF A CERTIFIED PESTICIDE APPLICATOR;

(B) PROMINENTLY POST A NOTICE OF THE PESTICIDE APPLICATION AND A COPY OF THE PESTICIDE LABEL IN A COMMON AREA OF A BUILDING WHICH IS TO RECEIVE THE PESTICIDE APPLICATION. SUCH NOTICE AND A LEGIBLE COPY OF THE PESTICIDE PRODUCT LABEL SHALL REMAIN POSTED FOR AT LEAST FORTY-EIGHT HOURS FOLLOWING THE PESTICIDE APPLICATION. THE NOTICE SHALL INCLUDE, AT A MINIMUM, THE NAME AND TELEPHONE NUMBER OF THE MUNICIPAL EMPLOYEE OR CONTACT PERSON WHO SHALL PROVIDE DETAILED INFORMATION ON THE PESTICIDE APPLICATION. A COPY OF THE PESTICIDE LABEL SHALL BE MADE AVAILABLE TO ANY PERSON REQUESTING SUCH LABEL WITHIN TWENTY-FOUR HOURS OF SUCH REQUEST; AND

(C) WHEN A PESTICIDE IS TO BE APPLIED TO MUNICIPAL GROUNDS, TURF, TREES OR SHRUBS, VISUAL NOTIFICATION MARKERS, AS PROVIDED IN SECTION 33-1003 OF THE ENVIRONMENTAL CONSERVATION LAW, SHALL BE POSTED AT LEAST EVERY FIFTY FEET WITH AT LEAST ONE MARKER ON EACH SIDE OF THE APPLICATION AREA.

5. EACH MUNICIPALITY SHALL BE RESPONSIBLE FOR PROVIDING AN ANNUAL EVALUATION OF THE IMPLEMENTATION OF ITS INTEGRATED PEST MANAGEMENT PLAN AND FOR UPDATING ITS INTEGRATED PEST MANAGEMENT PLAN EVERY THREE YEARS. SUCH INFORMATION SHALL BE MADE AVAILABLE TO THE PUBLIC.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.