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

2663

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT, JACOBS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to pesticide applications in food-selling establishments

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

Section 1. Section 33-0101 of the environmental conservation law is amended by adding a new subdivision 50 to read as follows:

50. "INTEGRATED PEST MANAGEMENT" MEANS AN ECONOMICAL AND ENVIRONMENTALLY SENSITIVE APPROACH TO PEST MANAGEMENT WHICH RELIES ON A COMBINATION OF BIOLOGICAL, CHEMICAL, CULTURAL AND MECHANICAL PRACTICES TO MANAGE PEST POPULATIONS BY THE MOST EFFECTIVE MEANS TO PREVENT UNACCEPTABLE LEVELS OF PEST ACTIVITIES AND DAMAGE, WITH THE LEAST HAZARD TO PEOPLE, PROPERTY AND THE ENVIRONMENT. CHEMICAL CONTROL MEASURES ARE TO BE THE PRACTICE OF LAST RESORT.

S 2. Article 33 of the environmental conservation law is amended by adding a new title 14 to read as follows:

TITLE 14

PESTICIDE APPLICATIONS IN FOOD-SELLING ESTABLISHMENTS

SECTION 33-1401. REQUIREMENTS.
33-1403. NOTICE.

S 33-1401. REQUIREMENTS.

THE FOLLOWING REQUIREMENTS APPLY TO ALL PEST CONTROL ACTIVITIES CONDUCTED WITHIN FOOD-SELLING ESTABLISHMENTS:

1. ALL PEST CONTROL ACTIVITIES CONDUCTED IN FOOD-SELLING ESTABLISHMENTS SHALL UTILIZE INTEGRATED PEST MANAGEMENT PROGRAMS TO CONTROL PESTS;

2. BROADCAST SPRAYS OF PESTICIDES ARE PROHIBITED IN ALL FOOD-SELLING ESTABLISHMENTS;

3. PESTICIDES SHALL NOT BE APPLIED IN THE FRESH PRODUCE SECTION OF THE ESTABLISHMENT; AND

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

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4. ONLY CERTIFIED APPLICATORS SHALL APPLY PESTICIDES IN FOOD-SELLING ESTABLISHMENTS.

S 33-1403. NOTICE.

1. NOTICE OF ALL PESTICIDE APPLICATIONS SHALL BE POSTED AT CUSTOMER ENTRANCES PRIOR TO EACH PESTICIDE APPLICATION IN FOOD-SELLING ESTABLISHMENTS, CONTAINING THE FOLLOWING INFORMATION:

A. THE STATEMENT "PESTICIDES HAVE BEEN USED TO CONTROL INDOOR PESTS IN THIS FACILITY";

B. THE NAME OF PESTICIDE BUSINESS AND CERTIFIED APPLICATOR MAKING THE APPLICATION;

C. THE PESTICIDE PRODUCT NAME, REGISTRATION NUMBER AND ACTIVE INGREDIENT;

D. THE DATE OF THE PESTICIDE APPLICATION; AND

E. A CONTACT PERSON FROM WHOM MORE INFORMATION, INCLUDING A COPY OF THE PESTICIDE PRODUCT LABEL, CAN BE REQUESTED.

2. ANY PERSON REQUESTING A COPY OF THE PESTICIDE PRODUCT LABEL SHALL RECEIVE SUCH LABEL WITHIN TEN DAYS OF THE REQUEST. IN THE CASE OF A HEALTH EMERGENCY, THE LABEL SHALL BE PROVIDED IMMEDIATELY UPON REQUEST.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.