2663

2009-2010 Regular Sessions

IN ASSEMBLY

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 ASSEM-BLY, 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:

3 50. "INTEGRATED PEST MANAGEMENT" MEANS AN ECONOMICAL AND ENVIRON-4 MENTALLY SENSITIVE APPROACH TO PEST MANAGEMENT WHICH RELIES ON A COMBI-5 NATION OF BIOLOGICAL, CHEMICAL, CULTURAL AND MECHANICAL PRACTICES TO 6 MANAGE PEST POPULATIONS BY THE MOST EFFECTIVE MEANS TO PREVENT UNACCEPT-ABLE LEVELS OF PEST ACTIVITIES AND DAMAGE, 7 WITH THE LEAST HAZARD ΤO 8 PROPERTY AND THE ENVIRONMENT. CHEMICAL CONTROL MEASURES ARE TO PEOPLE, 9 BE THE PRACTICE OF LAST RESORT.

10 S 2. Article 33 of the environmental conservation law is amended by adding a new title 14 to read as follows: 11 12

TITLE 14

PESTICIDE APPLICATIONS IN FOOD-SELLING ESTABLISHMENTS

14 SECTION 33-1401. REOUIREMENTS.

33-1403. NOTICE. 15

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16 S 33-1401. REQUIREMENTS.

17 THE FOLLOWING REQUIREMENTS APPLY TO ALL PEST CONTROL ACTIVITIES CONDUCTED WITHIN FOOD-SELLING ESTABLISHMENTS: 18

19 1. ALL PEST CONTROL ACTIVITIES CONDUCTED IN FOOD-SELLING ESTABLISH-20 MENTS SHALL UTILIZE INTEGRATED PEST MANAGEMENT PROGRAMS TO CONTROL 21 PESTS;

22 2. BROADCAST SPRAYS OF PESTICIDES ARE PROHIBITED IN ALL FOOD-SELLING 23 ESTABLISHMENTS;

24 3. PESTICIDES SHALL NOT BE APPLIED IN THE FRESH PRODUCE SECTION OF THE 25 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 1 2 ESTABLISHMENTS.

3 S 33-1403. NOTICE.

4 1. NOTICE OF ALL PESTICIDE APPLICATIONS SHALL BE POSTED AT CUSTOMER 5 ENTRANCES PRIOR TO EACH PESTICIDE APPLICATION IN FOOD-SELLING ESTABLISH-6 MENTS, CONTAINING THE FOLLOWING INFORMATION:

7 A. THE STATEMENT "PESTICIDES HAVE BEEN USED TO CONTROL INDOOR PESTS IN 8 THIS FACILITY";

9 B. THE NAME OF PESTICIDE BUSINESS AND CERTIFIED APPLICATOR MAKING THE 10 APPLICATION;

C. THE PESTICIDE PRODUCT NAME, REGISTRATION NUMBER AND ACTIVE INGREDI-11 12 ENT;

D. THE DATE OF THE PESTICIDE APPLICATION; AND 13

14 E. A CONTACT PERSON FROM WHOM MORE INFORMATION, INCLUDING A COPY OF 15 THE PESTICIDE PRODUCT LABEL, CAN BE REQUESTED.

2. ANY PERSON REQUESTING A COPY OF THE PESTICIDE PRODUCT LABEL SHALL 16 RECEIVE SUCH LABEL WITHIN TEN DAYS OF THE REQUEST. IN THE CASE OF A 17 HEALTH EMERGENCY, THE LABEL SHALL BE PROVIDED IMMEDIATELY UPON REQUEST. 18 19 S 3. This act shall take effect on the ninetieth day after it shall

20 have become a law.