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

8483--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 21, 2009

Introduced by M. of A. RAMOS -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to requiring certain signs and notices relating to pesticides for commercial or residential lawn application to be printed in the Spanish language in areas with a significant number of Spanish speaking residents

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

Section 1. Paragraph a of subdivision 1 of section 33-1004 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

a. All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the commissioner pursuant to subdivision one of section 33-1005 of this article, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed. SUCH STANDARDS OF THE COMMISSIONER SHALL PROVIDE THAT IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS, THE SIGNS REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH THE ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS.

S 2. Subparagraph (i) of paragraph b of subdivision 1 of section 33-1004 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

(i) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section

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

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33-1005 of this article, to occupants of all dwellings, as defined in paragraph d of subdivision five of section 33-0905 of this article, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in paragraph d of subdivision five of section 33-0905 of this article, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. THE WRITTEN NOTICE REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH THE ENGLISH AND SPANISH LANGUAGES IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the commissioner.

S 3. Subparagraph (i) of paragraph c of subdivision 1 of section 33-1004 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

(i) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. FURTHERMORE, SUCH MARKERS SHALL BE PRINTED IN BOTH THE ENGLISH AND SPANISH LANGUAGES IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS.

S 4. The opening paragraph of subdivision 1 of section 33-1005 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

The commissioner shall promulgate rules and regulations establishing uniform standards for a consumer pesticide use information sign which shall be placed in retail establishments that sell general use pesticides for commercial or residential lawn application. SUCH UNIFORM STANDARDS SHALL REQUIRE THAT SIGNS IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS BE PRINTED IN BOTH THE ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS. This sign shall contain the following information:

S 5. Subdivision 2 of section 33-1005 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

2. The commissioner shall prepare and publish, in consultation with the commissioner of health, educational materials, IN BOTH THE ENGLISH AND SPANISH LANGUAGES, explaining the requirements of paragraphs b and c of subdivision one of section 33-1004 of this article and section three hundred ninety-c of the social services law and the human and environmental health effects of lawn care pesticides.

S 6. Subdivision 3 of section 33-1005 of the environmental conservation law, as added by chapter 285 of the laws of 2000, is amended by adding a new paragraph c to read as follows:

C. THE WRITTEN NOTICE REQUIRED BY PARAGRAPH B OF SUBDIVISION ONE OF SECTION 33-1004 OF THIS ARTICLE SHALL, IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS, BE PRINTED IN BOTH THE ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS.

S 7. This act shall take effect on the one hundred twentieth day after it shall have become a law.