

1334

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, COLTON, FIELDS, JAFFEE, ROSENTHAL, KAVANAGH, PAULIN, PERALTA -- Multi-Sponsored by -- M. of A. BOYLAND, DIAZ, PHEFFER, REILLY, SCHIMEL, TOWNS, WALKER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to creating the state urban pesticide board and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Article 33 of the environmental conservation law is amended
2 by adding a new title 17 to read as follows:

3 TITLE 17

4 STATE URBAN PESTICIDE BOARD

5 SECTION 33-1701. CREATION OF STATE URBAN PESTICIDE BOARD.

6 33-1703. FUNCTIONS, POWERS, AND DUTIES.

7 33-1705. RESPONSIBILITIES OF THE DEPARTMENT AND OTHER AGENCIES.

8 S 33-1701. CREATION OF STATE URBAN PESTICIDE BOARD.

9 1. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE "STATE URBAN
10 PESTICIDE BOARD", REFERRED TO IN THIS TITLE AS THE BOARD. SUCH BOARD
11 SHALL CONSIST OF TEN MEMBERS, FOUR OF WHOM SHALL BE APPOINTED BY THE
12 GOVERNOR AND SHALL INCLUDE THE COMMISSIONER AND THE COMMISSIONER OF
13 HEALTH, THREE OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
14 THE SENATE, AND THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE
15 ASSEMBLY.

16 2. THE EIGHT AT LARGE MEMBERS OF THE BOARD SHOULD INCLUDE: A REPRESENTATIVE OF AN ORGANIZATION WHOSE PRIME FUNCTION IS THE ENHANCEMENT OF THE ENVIRONMENTAL QUALITY OF THE STATE; AN INDIVIDUAL WHO BY PROFESSIONAL TRAINING OR EXPERIENCE HAS EXPERTISE IN PUBLIC HEALTH MATTERS; AN INDIVIDUAL WHO BY PROFESSIONAL TRAINING OR EXPERIENCE HAS EXPERTISE IN PEST MANAGEMENT TECHNIQUES; A REPRESENTATIVE FROM THE PESTICIDE APPLICATION INDUSTRY; A REPRESENTATIVE FROM AN ORGANIZATION CONCERNED WITH TENANTS RIGHTS IN URBAN AREAS; AND A REPRESENTATIVE OF AN ORGANIZATION FOCUSED
24 ON ENVIRONMENTAL JUSTICE ISSUES.

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

LBD00386-01-9

1 3. THE COMMISSIONER AND THE COMMISSIONER OF HEALTH, OR THEIR DESIG-
2 NEES, SHALL SERVE AS THE CO-CHAIRS OF THE BOARD.

3 4. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR
4 SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
5 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

6 S 33-1703. FUNCTIONS, POWERS, AND DUTIES.

7 1. THE BOARD SHALL, AT A MINIMUM:

8 A. EXAMINE PATTERNS OF PESTICIDE USE IN URBAN AREAS, INCLUDING THE
9 AMOUNT OF PESTICIDES USED RELATIVE TO OTHER AREAS, THE PARTICULAR TYPES
10 OF PESTICIDES USED, THE TARGET PESTS BEING ADDRESSED, AND PESTICIDE USE
11 IN PUBLIC OR ASSISTED HOUSING AND SCHOOLS;

12 B. RESEARCH NON-TOXIC AND LEAST TOXIC ALTERNATIVE MEANS OF PEST
13 MANAGEMENT IN URBAN AREAS, INCLUDING INVESTIGATING PRIVATE AND PUBLIC
14 PILOT PROJECTS IN NEW YORK STATE AND OTHER STATES WHOSE PURPOSE IS TO
15 IMPLEMENT PEST MANAGEMENT STRATEGIES THAT DO NOT RELY ON HAZARDOUS
16 PESTICIDES BUT INSTEAD RELY ON PHYSICAL, MECHANICAL, AND BIOLOGICAL
17 CONTROL METHODS, WITH LEAST-TOXIC PESTICIDES AS A METHOD OF LAST RESORT;
18 AND

19 C. SPECIFICALLY EXAMINE THE USE AND SALE OF ILLEGAL PESTICIDES IN
20 URBAN AREAS.

21 2. THE BOARD SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGIS-
22 LATURE REGARDING ANY POLICY REFORMS AND ENFORCEMENT MEASURES NECESSARY
23 TO REDUCE THE RISK OF PESTICIDE USE IN URBAN AREAS AND ENCOURAGE USE OF
24 NON-TOXIC METHODS OF PEST MANAGEMENT. THE BOARD SHALL ISSUE A PRELIMI-
25 NARY REPORT TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN JANUARY
26 FIFTEENTH, TWO THOUSAND TEN AND A FINAL REPORT NO LATER THAN JANUARY
27 FIFTEENTH, TWO THOUSAND ELEVEN.

28 3. THE BOARD SHALL UTILIZE RESOURCES OF THE DEPARTMENT, INCLUDING, BUT
29 NOT LIMITED TO, PESTICIDE REPORTING DATA FILED UNDER TITLE TWELVE OF
30 THIS ARTICLE.

31 4. FOR THE PURPOSES OF THIS TITLE, "URBAN AREAS" SHALL MEAN CITIES OR
32 TOWNS WITH A POPULATION DENSITY OF GREATER THAN ONE THOUSAND PERSONS PER
33 SQUARE MILE.

34 S 33-1705. RESPONSIBILITIES OF THE DEPARTMENT AND OTHER AGENCIES.

35 THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL PROVIDE THE BOARD
36 WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE BOARD TO
37 CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE
38 STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CO-CHAIRS
39 PROVIDE THE BOARD WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL
40 ENABLE THE BOARD TO CARRY OUT ITS POWER AND DUTIES.

41 S 2. Paragraph b of subdivision 3 of section 33-0905 of the environ-
42 mental conservation law, as added by chapter 612 of the laws of 1983, is
43 amended to read as follows:

44 b. An applicant for certification shall satisfy the commissioner as to
45 his OR HER knowledge and experience concerning the proper use and appli-
46 cation of pesticides [and], pesticide application equipment, AND PEST
47 MANAGEMENT TECHNIQUES THAT DO NOT INVOLVE THE USE OF PESTICIDES, INCLUD-
48 ING BUT NOT LIMITED TO STRUCTURAL IMPROVEMENTS, MECHANICAL CONTROLS, AND
49 BIOLOGICAL CONTROLS, through examination prior to initial certification.
50 Recertification shall be by training, workbook, or examination as
51 required by the commissioner.

52 S 3. This act shall take effect immediately; provided, however, that
53 section one of this act shall remain in full force and effect until
54 April 1, 2011, when upon such date the provisions of such section shall
55 expire and be deemed repealed.