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

1665

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, KOON, JACOBS, GALEF, KELLNER, SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, EDDINGTON, McENENY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to integrated pest management requirements for schools

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

Section 1. Legislative intent. The legislature finds and declares that it shall be the policy of the state of New York to provide every child with an environmentally safe and healthy learning environment in which to grow, learn and mature into productive and healthy adults. To ensure that schools provide this setting for our children, the legislature finds that pesticide use in school facilities must be reduced or avoided in order to protect children's environmental health and safety. Children are uniquely vulnerable to and may be severely affected by exposure to chemicals such as pesticides. By establishing integrated pest management strategies that primarily rely on non-chemical pest control, exposures to children from toxic pesticides can be eliminated or reduced to less hazardous levels.

S 2. The education law is amended by adding a new section 409-j to read as follows:

S 409-J. INTEGRATED PEST MANAGEMENT REQUIREMENTS FOR SCHOOLS. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS ARE DEFINED:

(A) "SCHOOL" MEANS ALL FACILITIES FOR GRADES KINDERGARTEN THROUGH TWELVE OPERATED BY ANY SCHOOL DISTRICT, INCLUDING ANY CITY SCHOOL DISTRICT WITH A POPULATION OVER ONE HUNDRED TWENTY-FIVE THOUSAND, OR ANY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

(B) "INTEGRATED PEST MANAGEMENT" AND "IPM" MEAN A DECISION-MAKING PROCESS FOR PEST CONTROL THAT UTILIZES REGULAR MONITORING TO DETERMINE IF AND WHEN CONTROLS ARE NEEDED; EMPLOYS PHYSICAL, MECHANICAL, CULTURAL,

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

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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 IPM IS TO ELIMINATE THE UNNECESSARY USE OF PESTICIDES AND REDUCE THE USE OF ALL PESTICIDES.

(C) "FACILITIES" MEANS SCHOOL BUILDINGS, LAND AND OTHER APPURTENANCES OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

2. TO ENSURE THAT SCHOOLS ARE SAFE AND HEALTHY ENVIRONMENTS FOR STUDENTS, TEACHERS AND OTHER STAFF AND OCCUPANTS, CERTAIN REQUIREMENTS SHALL BE PLACED ON PESTICIDE USE IN THESE FACILITIES.

(A) ALL SCHOOLS SHALL HAVE PEST MANAGEMENT PLANS FOR ALL PEST CONTROL ACTIVITIES, WHICH HAVE BEEN SUBJECT TO PUBLIC REVIEW AND APPROVED BY THE SCHOOL BOARD. SUCH PLANS SHALL UTILIZE IPM TECHNIQUES TO MANAGE AND CONTROL PESTS AND PROBLEMS. ALL IPM PLANS SHALL INCLUDE A PROVISION FOR PUBLIC ACCESS TO ALL INFORMATION ABOUT THE IMPLEMENTATION OF THE PLAN. SCHOOL DISTRICTS MAY CREATE ADVISORY COMMITTEES TO ASSIST IN THE DEVELOPMENT OF THE IPM PLANS, AND TO MONITOR THE IMPLEMENTATION OF SUCH PLANS. NO SCHOOL SHALL CONDUCT OR HAVE CONDUCTED ANY PESTICIDE APPLICATION TO SCHOOL FACILITIES WHICH IS PREVENTIVE IN NATURE AND WHICH DOES NOT RESPOND TO VERIFIABLE PEST PROBLEMS.

(B) SCHOOLS SHALL BE RESPONSIBLE FOR PROVIDING AN ANNUAL EVALUATION OF THE IMPLEMENTATION OF THEIR IPM PLANS TO THE SCHOOL BOARD. EVERY SCHOOL SHALL UPDATE ITS IPM PLAN ONCE EVERY THREE YEARS. SUCH INFORMATION SHALL BE PUBLICLY AVAILABLE.

(C) EVERY SCHOOL SHALL HAVE ITS PESTICIDE APPLICATIONS CONDUCTED BY A CERTIFIED COMMERCIAL PESTICIDE APPLICATOR. PESTICIDE APPLICATIONS BY PERSONS WORKING UNDER THE DIRECT SUPERVISION OF A CERTIFIED PESTICIDE APPLICATOR SHALL BE PROHIBITED.

(D) A NOTICE OF THE PESTICIDE APPLICATION AND A COPY OF THE PESTICIDE LABEL, SHALL BE PROMINENTLY POSTED IN A COMMON AREA OF A BUILDING WHICH IS TO RECEIVE A PESTICIDE APPLICATION. THE COMMON AREA SHALL BE READILY ACCESSIBLE TO ALL OCCUPANTS OF THE BUILDING. THE NOTICE AND PESTICIDE LABEL SHALL REMAIN POSTED FOR AT LEAST FORTY-EIGHT HOURS FOLLOWING THE PESTICIDE APPLICATION. SUCH NOTICE SHALL INCLUDE, AT A MINIMUM, THE NAME AND TELEPHONE NUMBER OF A SCHOOL EMPLOYEE OR CONTACT PERSON WHO SHALL PROVIDE DETAILED INFORMATION ON THE PESTICIDE APPLICATIONS. A COPY OF THE PESTICIDE LABEL MUST BE MADE AVAILABLE TO ANY PERSON REQUESTING SUCH LABEL WITHIN TWENTY-FOUR HOURS OF SUCH REQUESTS.

(E) WHEN PESTICIDES ARE APPLIED TO SCHOOL 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.

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