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

1743

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT, J. RIVERA, SWEENEY, GALEF, TITUS, SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, GOTTFRIED, McENENY, PERRY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the parks, recreation and historic preservation law and the general municipal law, in relation to non-toxic pest management and fertilization of park lands

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

Section 1. Legislative findings. The legislature hereby finds that the use of pesticides and chemical fertilizers is incompatible with the protection of natural resources and pollution prevention. In order to protect public health and avoid contamination of the environment, the legislature has determined that all park lands which are owned or leased by the office of parks, recreation and historic preservation or a municipality, shall be managed in a manner which avoids the use of toxic materials and encourages the use of natural materials and techniques. All government agencies shall be required to utilize an approach to natural resource management which embodies these concepts.

S 2. The parks, recreation and historic preservation law is amended by adding a new section 13.20 to read as follows:

S 13.20 NON-TOXIC PEST MANAGEMENT AND FERTILIZATION. 1. NO PESTICIDE OR CHEMICAL FERTILIZER SHALL BE APPLIED TO ANY STATE PARK, PARKWAY, RECREATION FACILITY OR HISTORIC SITE UNDER THE CUSTODY AND CONTROL OF THE OFFICE.

2. TO ASSIST THE OFFICE IN MEETING THE REQUIREMENTS OF THIS SECTION AND MUNICIPALITIES IN MEETING THE REQUIREMENTS OF SECTION NINETY-NINE-V OF THE GENERAL MUNICIPAL LAW, A STATE PEST MANAGEMENT COMMITTEE SHALL BE CREATED AND APPOINTED WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, TO DEVELOP PROCEDURES, METHODS AND OTHER INFORMATION WHICH MAY BE USED TO ACCOMPLISH PEST MANAGEMENT ON PUBLIC LANDS. THE COMMITTEE

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

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SHALL CONSIST OF A REPRESENTATIVE OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE OFFICE, THE ADIRONDACK PARK AGENCY, THE OFFICE OF GENERAL SERVICES, THE DEPARTMENT OF HEALTH, AND SIX MEMBERS APPOINTED BY THE GOVERNOR; TWO EACH UPON RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE. ALL PERSONS WHO ARE APPOINTED SHALL HAVE EXPERTISE APPROPRIATE TO THE GOALS AND REQUIREMENTS OF THE COMMITTEE.

3. THE OFFICE SHALL DEVELOP AND FILE A PEST MANAGEMENT PLAN FOR ALL LAND UNDER ITS CUSTODY AND CONTROL WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION. SUCH PLAN SHALL DOCUMENT THE PROCEDURES FOR IDENTIFYING, MONITORING AND CORRECTING PEST PROBLEMS ON THE LANDS WHICH IT MANAGES. SUCH PLAN SHALL INCLUDE PROCEDURES FOR HANDLING UNANTICIPATED PUBLIC HEALTH EMERGENCIES. WHEN A DOCUMENTED PUBLIC HEALTH EMERGENCY ARISES, WHICH IS CONFIRMED BY THE DEPARTMENT OF HEALTH, THE OFFICE MAY USE A LEAST-TOXIC AVAILABLE PESTICIDE TO CONTROL A PEST PROBLEM ONLY AS A LAST RESORT.

S 3. The general municipal law is amended by adding a new section 99-v to read as follows:

S 99-V. NON-TOXIC PEST MANAGEMENT AND FERTILIZATION OF PARK LANDS. 1. NO PESTICIDE OR CHEMICAL FERTILIZER SHALL BE APPLIED TO ANY PARK LAND UNDER THE CUSTODY AND CONTROL OF A MUNICIPAL CORPORATION.

2. EACH MUNICIPAL CORPORATION SHALL DEVELOP AND FILE A PEST MANAGEMENT PLAN FOR ITS PARK LANDS WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION. EACH SUCH PLAN SHALL DOCUMENT PROCEDURES FOR IDENTIFYING, MONITORING AND CORRECTING PEST PROBLEMS ON PARK LANDS WHICH IT MANAGES. SUCH PLANS SHALL INCLUDE PROCEDURES FOR HANDLING UNANTICIPATED PUBLIC HEALTH EMERGENCIES. WHEN A DOCUMENTED PUBLIC HEALTH EMERGENCY ARISES, WHICH IS CONFIRMED BY THE DEPARTMENT OF HEALTH, THE MUNICIPAL CORPORATION MAY USE A LEAST-TOXIC AVAILABLE PESTICIDE TO CONTROL A PEST PROBLEM ONLY AS A LAST RESORT.

S 4. This act shall take effect immediately.