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

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I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. LATIMER, COLTON, BENEDETTO, BING, PHEFFER, P. RIVERA, GALEF, PAULIN -- Multi-Sponsored by -- M. of A. CAHILL, GLICK, JOHN, LAVINE, MARKEY, McENENY, MILLMAN, PERRY, REILLY, J. RIVERA, ROSENTHAL, WEINSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to notification to occupants of multiple family dwellings of pending commercial application of pesticide

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

Section 1. 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 33-1005 of this article[,] to:

A. 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. 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[.]; AND

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

B. OWNERS, OWNERS' AGENTS OR OTHER PERSONS IN POSITIONS OF AUTHORITY FOR MULTIPLE FAMILY DWELLINGS, THE PROPERTY OF WHICH IS THE SITE OF SUCH APPLICATION. OWNERS, OR OWNERS' AGENTS OF MULTIPLE FAMILY DWELLINGS SHALL SUPPLY SUCH WRITTEN NOTICE TO THE OCCUPANTS OF SUCH MULTIPLE FAMILY DWELLINGS IN A MANNER SPECIFIED BY THE COMMISSIONER.

S 2. Subparagraph (v) of paragraph a of subdivision 3 and subdivision 4 of section 33-1005 of the environmental conservation law, as added by chapter 285 of the laws of 2000, are amended to read as follows:

(v) a prominent statement that reads: "This notice is to inform you of a pending pesticide application to: 1. A neighboring property; OR 2. THIS PREMISE. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Telecommunications Network at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info line at 1-800-458-1158".

4. The commissioner shall promulgate rules and regulations specifying: the manner in which persons providing commercial lawn application shall supply written notice as required under paragraph b of subdivision one of section 33-1004 of this article including, but not limited to, mailing, or leaving with a responsible adult or in a conspicuous location on the PREMISES OR abutting property; the manner in which the owner or owner's agent of multiple family dwellings covered under paragraph b of subdivision one of section 33-1004 of this article shall supply such written notice to the occupants of such multiple family dwellings; and for all other premises covered under paragraph b of subdivision one of section 33-1004 of this article, the manner in which the owner, owner's agent or other person in a position of authority shall supply such written notice. Such rules and regulations shall specify a manner in which persons providing commercial lawn applications may provide an option to occupants of dwellings to decline further notices.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law provided, however, that the provisions of this act shall not be construed to require that any local law enacted prior to the effective date of this act be reenacted or amended in order to conform to the requirements set forth in this act. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.