

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. ENGLE-BRIGHT -- 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:

1 Section 1. Paragraph a of subdivision 1 of section 33-1004 of the
2 environmental conservation law, as added by chapter 285 of the laws of
3 2000, is amended to read as follows:
4 a. All retail establishments that sell general use pesticides for
5 commercial or residential lawn application shall display a sign meeting
6 standards, established by the commissioner pursuant to subdivision one
7 of section 33-1005 of this article, in a conspicuous place, and such
8 sign shall be placed as close as possible to the place where such pesticides are displayed. SUCH STANDARDS OF THE COMMISSIONER SHALL PROVIDE
9 THAT IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING
10 RESIDENTS, THE SIGNS REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH
11 THE ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH
12 RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF
13 SPANISH SPEAKING RESIDENTS.
14
15 S 2. Subparagraph (i) of paragraph b of subdivision 1 of section
16 33-1004 of the environmental conservation law, as added by chapter 285
17 of the laws of 2000, is amended to read as follows:
18 (i) At least forty-eight hours prior to any commercial lawn applica-
19 tion of a pesticide, the person or business making such application
20 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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1 33-1005 of this article, to occupants of all dwellings, as defined in
2 paragraph d of subdivision five of section 33-0905 of this article, on
3 abutting property with a boundary that is within one hundred fifty feet
4 of the site of such application; and to owners, owners' agents, or other
5 persons in a position of authority for all other types of premises, as
6 defined in paragraph d of subdivision five of section 33-0905 of this
7 article, that are on abutting property with a boundary that is within
8 one hundred fifty feet of the site of such application. THE WRITTEN
9 NOTICE REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH THE ENGLISH
10 AND SPANISH LANGUAGES IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF
11 SPANISH SPEAKING RESIDENTS. THE COMMISSIONER SHALL ESTABLISH RULES AND
12 REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH
13 SPEAKING RESIDENTS. Owners or owners' agents of multiple family dwell-
14 ings shall supply such written notice to the occupants of such multiple
15 family dwellings and for all other types of premises, owners, owners'
16 agents or other persons in a position of authority shall post such writ-
17 ten notice in a manner specified by the commissioner.

18 S 3. Subparagraph (i) of paragraph c of subdivision 1 of section
19 33-1004 of the environmental conservation law, as added by chapter 285
20 of the laws of 2000, is amended to read as follows:

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

32 S 4. The opening paragraph of subdivision 1 of section 33-1005 of the
33 environmental conservation law, as added by chapter 285 of the laws of
34 2000, is amended to read as follows:

35 The commissioner shall promulgate rules and regulations establishing
36 uniform standards for a consumer pesticide use information sign which
37 shall be placed in retail establishments that sell general use pesti-
38 cides for commercial or residential lawn application. SUCH UNIFORM STAN-
39 DARDS SHALL REQUIRE THAT SIGNS IN AREAS OF THE STATE WITH A SIGNIFICANT
40 NUMBER OF SPANISH SPEAKING RESIDENTS BE PRINTED IN BOTH THE ENGLISH AND
41 SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH RULES AND REGU-
42 LATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH
43 SPEAKING RESIDENTS. This sign shall contain the following information:

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

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

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

1 C. THE WRITTEN NOTICE REQUIRED BY PARAGRAPH B OF SUBDIVISION ONE OF
2 SECTION 33-1004 OF THIS ARTICLE SHALL, IN AREAS OF THE STATE WITH A
3 SIGNIFICANT NUMBER OF SPANISH SPEAKING RESIDENTS, BE PRINTED IN BOTH THE
4 ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH RULES
5 AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPAN-
6 ISH SPEAKING RESIDENTS.
7 S 7. This act shall take effect on the one hundred twentieth day after
8 it shall have become a law.