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I N   S E N A T E

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, substituted by Assembly Bill No. 5823, substitution reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to commercial applications of pesticides

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

1     Section 1. Paragraph b of subdivision 5 of section 33-0905 of the  
2 environmental conservation law, as amended by chapter 216 of the laws of  
3 2007, is amended to read as follows:  
4     b. Except as provided in paragraph c of this subdivision, every certi-  
5 fied applicator shall, prior to the application of a pesticide within or  
6 on the premises of a multiple dwelling, building, or structure other  
7 than a dwelling, supply the owner or his OR HER agent, with a copy of  
8 the information, including all warnings, contained on the label of the  
9 pesticide to be applied. Such information shall be supplied in either a  
10 written, digital or electronic format which shall be determined by the  
11 owner or his or her agent, provided however that the certified applica-  
12 tor must also have a written copy of such information in his or her  
13 [possession] CUSTODY AT THE TIME OF APPLICATION. Such owner or agent  
14 shall make available upon request at reasonable times such information  
15 in written, DIGITAL or electronic [form if available] FORMAT to the  
16 occupants or residents of such multiple dwelling, building, or struc-  
17 ture. THE OWNER OF A MULTIPLE DWELLING OR HIS OR HER AGENT SHALL, AT  
18 LEAST FORTY-EIGHT HOURS PRIOR TO EACH COMMERCIAL APPLICATION OF A PESTI-  
19 CIDE WITHIN A DWELLING UNIT, SUPPLY THE OCCUPANTS OF THAT UNIT WITH A  
20 COPY OF THE INFORMATION, INCLUDING ALL WARNINGS, CONTAINED ON THE LABEL  
21 OF THE PESTICIDE TO BE APPLIED. IN ADDITION, THE OWNER OF A MULTIPLE  
22 DWELLING OR HIS OR HER AGENT SHALL, AT LEAST FORTY-EIGHT HOURS PRIOR TO

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

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1 EACH COMMERCIAL APPLICATION OF A PESTICIDE IN OR ON THE PREMISES OF THE  
2 MULTIPLE DWELLING, POST IN A CONSPICUOUS LOCATION AT THE MULTIPLE DWELL-  
3 ING A NOTICE THAT STATES: "THERE WILL SOON BE AN APPLICATION OF A PESTI-  
4 CIDE WITHIN OR ON THESE PREMISES. A COPY OF THE INFORMATION, INCLUDING  
5 ALL WARNINGS, CONTAINED ON THE LABEL OF THE PESTICIDE TO BE APPLIED WILL  
6 BE MADE AVAILABLE TO YOU AT REASONABLE TIMES BY THE PROPERTY OWNER OR  
7 THE OWNER'S AGENT UPON YOUR REQUEST." SUCH FORTY-EIGHT HOUR POSTED  
8 NOTICE TO RESIDENTS OF THE MULTIPLE DWELLING IS NOT REQUIRED FOR THE  
9 PESTICIDE APPLICATIONS LISTED IN CLAUSES A, B, C, E, F, G, AND I OF  
10 SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION 33-1004  
11 OF THIS ARTICLE. IN CASES WHERE AN EMERGENCY APPLICATION OF A PESTICIDE  
12 IS NECESSARY TO PROTECT AGAINST AN IMMINENT THREAT TO HUMAN HEALTH OR  
13 AGAINST IRREVERSIBLE DAMAGE TO THE STRUCTURE OR THE GROUNDS, FORTY-EIGHT  
14 HOUR NOTICE IS NOT REQUIRED, PROVIDED THE OWNER OF THE MULTIPLE DWELLING  
15 OR HIS OR HER AGENT SHALL MAKE A GOOD FAITH EFFORT TO NOTIFY THE OCCU-  
16 PANTS OF ANY DWELLING UNIT WITHIN WHICH THE PESTICIDE IS TO BE APPLIED  
17 AND POST THE NOTICE REQUIRED PURSUANT TO THIS SUBDIVISION PRIOR TO THE  
18 EMERGENCY APPLICATION. UPON MAKING AN EMERGENCY APPLICATION WITHIN OR ON  
19 THE PREMISES OF A MULTIPLE DWELLING, INCLUDING WITHIN A DWELLING UNIT,  
20 THE APPLICATOR SHALL NOTIFY THE DEPARTMENT IN WRITING WITHIN FIFTEEN  
21 DAYS, AND PROVIDE THE NAME OF THE APPLICATOR, THE PESTICIDE BUSINESS  
22 REGISTRATION NUMBER OR CERTIFIED APPLICATOR NUMBER OF THE APPLICATOR,  
23 THE LOCATION OF THE EMERGENCY APPLICATION, THE DATE OF THE APPLICATION,  
24 THE PESTICIDE PRODUCT NAME AND UNITED STATES ENVIRONMENTAL PROTECTION  
25 AGENCY REGISTRATION NUMBER OF THE PESTICIDE APPLIED AND THE REASON FOR  
26 THE EMERGENCY APPLICATION. IN ADDITION, THE APPLICATOR SHALL MAINTAIN A  
27 COPY OF THIS INFORMATION FOR THREE YEARS FROM THE DATE OF THE EMERGENCY  
28 APPLICATION AND MAKE IT AVAILABLE TO THE DEPARTMENT FOR INSPECTION UPON  
29 REQUEST.

30 S 2. Subdivisions 1 and 3 of section 33-1001 of the environmental  
31 conservation law, as added by chapter 559 of the laws of 1987, are  
32 amended to read as follows:

33 1. Prior to any commercial lawn application the applicator shall enter  
34 into a written contract with the owner of the property or his agent  
35 specifying the approximate date or dates of application, number of  
36 applications, and total cost for the service to be provided and shall  
37 supply the property owner or his agent with a written copy in at least  
38 12 point type of:

39 a. a list of substances to be applied including brand names and gener-  
40 ic names of active ingredients;

41 b. any warnings that appear on the label OR LABELS of pesticides to be  
42 applied that are pertinent to the protection of humans, animals or the  
43 environment, PROVIDED THAT THESE WARNINGS MAY BE SUPPLIED IN DIGITAL OR  
44 ELECTRONIC FORMAT, AS DETERMINED BY THE PROPERTY OWNER OR THE OWNER'S  
45 AGENT; and

46 c. the company name, address, telephone number, business registration  
47 number and applicator certification identification card number.

48 3. Persons providing commercial lawn applications shall maintain  
49 copies of all WRITTEN contracts required pursuant to subdivision one of  
50 this section, INCLUDING ANY WRITTEN OR ELECTRONIC LABEL INFORMATION THAT  
51 IS PART OF THE CONTRACT.

52 S 3. This act shall take effect immediately, provided that section one  
53 of this act shall take effect on the one hundred eightieth day after it  
54 shall have become a law.