

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

5531--A

2009-2010 Regular Sessions

I N S E N A T E

May 14, 2009

Introduced by Sens. FOLEY, THOMPSON -- 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 -- 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
9 are displayed. SUCH STANDARDS OF THE COMMISSIONER SHALL PROVIDE
10 THAT IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF SPANISH SPEAKING
11 RESIDENTS, THE SIGNS REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH
12 THE ENGLISH AND SPANISH LANGUAGES. THE COMMISSIONER SHALL ESTABLISH
13 RULES AND REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF
14 SPANISH SPEAKING RESIDENTS.
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

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

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1 shall supply written notice, as defined in subdivision three of section
2 33-1005 of this article, to occupants of all dwellings, as defined in
3 paragraph d of subdivision five of section 33-0905 of this article, on
4 abutting property with a boundary that is within one hundred fifty feet
5 of the site of such application; and to owners, owners' agents, or other
6 persons in a position of authority for all other types of premises, as
7 defined in paragraph d of subdivision five of section 33-0905 of this
8 article, that are on abutting property with a boundary that is within
9 one hundred fifty feet of the site of such application. THE WRITTEN
10 NOTICE REQUIRED BY THIS PARAGRAPH SHALL BE PRINTED IN BOTH THE ENGLISH
11 AND SPANISH LANGUAGES IN AREAS OF THE STATE WITH A SIGNIFICANT NUMBER OF
12 SPANISH SPEAKING RESIDENTS. THE COMMISSIONER SHALL ESTABLISH RULES AND
13 REGULATIONS REGARDING WHAT CONSTITUTES A SIGNIFICANT NUMBER OF SPANISH
14 SPEAKING RESIDENTS. Owners or owners' agents of multiple family dwell-
15 ings shall supply such written notice to the occupants of such multiple
16 family dwellings and for all other types of premises, owners, owners'
17 agents or other persons in a position of authority shall post such writ-
18 ten notice in a manner specified by the commissioner.

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

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

33 S 4. The opening paragraph of subdivision 1 of section 33-1005 of the
34 environmental conservation law, as added by chapter 285 of the laws of
35 2000, is amended to read as follows:

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

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

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

54 S 6. Subdivision 3 of section 33-1005 of the environmental conserva-
55 tion law, as added by chapter 285 of the laws of 2000, is amended by
56 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.