

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

3104--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. ZEBROWSKI, SWEENEY, CASTRO, LIFTON, MENG, SCHI-MEL, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, GOTTFRIED, O'DONNELL, P. RIVERA, TITONE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, the social services law and the education law, in relation to integrated pest management

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

1 Section 1. Article 33 of the environmental conservation law is amended
2 by adding a new title 17 to read as follows:

3 TITLE 17

4 INTEGRATED PEST MANAGEMENT

5 SECTION 33-1701. SCOPE OF INTEGRATED PEST MANAGEMENT PLAN.

6 33-1703. INTEGRATED PEST MANAGEMENT PLAN REQUIREMENTS.

7 33-1705. APPLICATION FOR INDIVIDUAL INTEGRATED PEST MANAGEMENT
8 PLAN.

9 S 33-1701. SCOPE OF INTEGRATED PEST MANAGEMENT PLAN.

10 THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION
11 AND THE COMMISSIONER OF HEALTH, SHALL DEVELOP AN INTEGRATED PEST MANAGE-
12 MENT PLAN FOR ALL CHILD DAY CARE CENTERS OR HEAD START DAY CARE CENTERS,
13 AS DEFINED IN SUBDIVISION SIX OF SECTION THREE HUNDRED NINETY-A OF THE
14 SOCIAL SERVICES LAW, AND ALL SCHOOLS.

15 S 33-1703. INTEGRATED PEST MANAGEMENT PLAN REQUIREMENTS.

16 1. "INTEGRATED PEST MANAGEMENT" AND "(IPM)" SHALL MEAN A DECISION-MAK-
17 ING PROCESS FOR PEST CONTROL THAT UTILIZES REGULAR MONITORING TO DETER-
18 MINE IF AND WHEN CONTROLS ARE NEEDED; EMPLOYS PHYSICAL, MECHANICAL,
19 CULTURAL, BIOLOGICAL AND EDUCATIONAL PRACTICES TO CONTROL CONDITIONS
20 THAT PROMOTE PEST INFESTATIONS AND TO KEEP PEST POPULATIONS AT TOLERABLE

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

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1 DAMAGE OR ANNOYANCE LEVELS; AND ONLY AS A LAST RESORT, UTILIZES
2 LEAST-TOXIC PESTICIDE CONTROLS.

3 2. THE INTEGRATED PEST MANAGEMENT PLAN FOR CHILD DAY CARE CENTERS, AND
4 HEAD START DAY CARE CENTERS AND SCHOOLS, AS DEVELOPED BY THE COMMISSION-
5 ER, SHALL REQUIRE AT A MINIMUM THE FOLLOWING:

6 A. A PROVISION FOR PUBLIC ACCESS TO ALL INFORMATION ABOUT THE IMPLE-
7 MENTATION OF THE PLANS;

8 B. ALL PESTICIDE APPLICATIONS TO BE CONDUCTED BY A CERTIFIED COMMER-
9 CIAL APPLICATOR. PESTICIDE APPLICATIONS BY PERSONS WORKING UNDER THE
10 DIRECT SUPERVISION OF A CERTIFIED PESTICIDE APPLICATOR SHALL BE PROHIB-
11 ITED;

12 C. WHEN PESTICIDES ARE TO BE APPLIED TO THE GROUNDS, TURF, TREES OR
13 SHRUBS, VISUAL NOTIFICATION MARKERS, AS PROVIDED IN SECTION 33-1003 OF
14 THIS ARTICLE, SHALL BE POSTED AT LEAST EVERY FIFTY FEET WITH AT LEAST
15 ONE MARKER ON EACH SIDE OF THE APPLICATION AREA;

16 D. APPLICATION OF PESTICIDES SHALL BE DONE UTILIZING THE LEAST TOXIC
17 SUBSTANCES THAT WOULD PROVE EFFECTIVE; AND

18 E. A COPY OF THE PESTICIDE LABEL TO BE PROMINENTLY POSTED IN A COMMON
19 AREA OF ANY BUILDING WHICH IS TO RECEIVE THE PESTICIDE APPLICATION. SUCH
20 NOTICE AND A LEGIBLE COPY OF THE PESTICIDE PRODUCT LABEL SHALL REMAIN
21 POSTED FOR AT LEAST FORTY-EIGHT HOURS FOLLOWING THE PESTICIDE APPLICA-
22 TION. THE NOTICE SHALL INCLUDE, AT A MINIMUM, THE NAME AND TELEPHONE
23 NUMBER OF THE CONTACT PERSON WHO SHALL PROVIDE DETAILED INFORMATION ON
24 THE PESTICIDE APPLICATION. A COPY OF THE PESTICIDE LABEL SHALL BE MADE
25 AVAILABLE TO ANY PERSON REQUESTING SUCH LABEL WITHIN TWENTY-FOUR HOURS
26 OF SUCH REQUEST.

27 S 33-1705. APPLICATION FOR INDIVIDUAL INTEGRATED PEST MANAGEMENT PLAN.

28 A CHILD DAY CARE CENTER, HEAD START DAY CARE CENTER OR SCHOOL MAY
29 PROPOSE AN INTEGRATED PEST MANAGEMENT PLAN, SEPARATE FROM THE COMMIS-
30 SIONER'S PLAN, BASED UPON THE UNIQUE CIRCUMSTANCES OF THE DAY CARE
31 CENTER OR SCHOOL. THE COMMISSIONER MAY APPROVE OR DENY THE APPLICATION
32 BASED UPON AN ANALYSIS OF THE UNIQUE CIRCUMSTANCES COMPARED TO THE GOALS
33 OF THE COMMISSIONER'S INTEGRATED PEST MANAGEMENT PLAN. UPON APPROVAL OF
34 SUCH APPLICATION BY THE COMMISSIONER, THE DAY CARE CENTER OR SCHOOL MAY
35 SUBSTITUTE THE COMMISSIONER'S PLAN WITH THE APPROVED INDIVIDUAL INTE-
36 GRATED PESTICIDE MANAGEMENT PLAN IN COMPLIANCE WITH THIS TITLE.

37 S 2. Section 390-a of the social services law is amended by adding a
38 new subdivision 6 to read as follows:

39 6. ALL PROVIDERS OF A CHILD DAY CARE CENTER AS DEFINED IN SECTION
40 THREE HUNDRED NINETY OF THIS TITLE, OR A HEAD START DAY CARE CENTER
41 FUNDED PURSUANT TO TITLE V OF THE FEDERAL OPPORTUNITY ACT OF NINETEEN
42 HUNDRED SIXTY-FOUR, AS AMENDED, ARE REQUIRED TO IMPLEMENT AN INTEGRATED
43 PEST MANAGEMENT PLAN WHICH HAS BEEN DEVELOPED OR APPROVED BY THE COMMIS-
44 SIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE
45 SEVENTEEN OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

46 S 3. The education law is amended by adding a new section 409-1 to
47 read as follows:

48 S 409-L. INTEGRATED PEST MANAGEMENT REQUIREMENTS FOR SCHOOLS. ALL
49 SCHOOLS ARE REQUIRED TO IMPLEMENT AN INTEGRATED PEST MANAGEMENT PLAN
50 WHICH HAS BEEN DEVELOPED OR APPROVED BY THE COMMISSIONER OF THE DEPART-
51 MENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE SEVENTEEN OF ARTI-
52 CLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

53 S 4. This act shall take effect on the one hundred eightieth day after
54 it shall have become a law.