

LBD03074-01-1

1 RIGHTS IN URBAN AREAS; AND A REPRESENTATIVE OF AN ORGANIZATION FOCUSED
2 ON ENVIRONMENTAL JUSTICE ISSUES.

3 3. THE COMMISSIONER AND THE COMMISSIONER OF HEALTH, OR THEIR DESIG-
4 NEES, SHALL SERVE AS THE CO-CHAIRS OF THE BOARD.

5 4. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR
6 SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
7 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

8 S 33-1703. FUNCTIONS, POWERS, AND DUTIES.

9 1. THE BOARD SHALL, AT A MINIMUM:

10 A. EXAMINE PATTERNS OF PESTICIDE USE IN URBAN AREAS, INCLUDING THE
11 AMOUNT OF PESTICIDES USED RELATIVE TO OTHER AREAS, THE PARTICULAR TYPES
12 OF PESTICIDES USED, THE TARGET PESTS BEING ADDRESSED, AND PESTICIDE USE
13 IN PUBLIC OR ASSISTED HOUSING AND SCHOOLS;

14 B. RESEARCH NON-TOXIC AND LEAST TOXIC ALTERNATIVE MEANS OF PEST
15 MANAGEMENT IN URBAN AREAS, INCLUDING INVESTIGATING PRIVATE AND PUBLIC
16 PILOT PROJECTS IN NEW YORK STATE AND OTHER STATES WHOSE PURPOSE IS TO
17 IMPLEMENT PEST MANAGEMENT STRATEGIES THAT DO NOT RELY ON HAZARDOUS
18 PESTICIDES BUT INSTEAD RELY ON PHYSICAL, MECHANICAL, AND BIOLOGICAL
19 CONTROL METHODS, WITH LEAST-TOXIC PESTICIDES AS A METHOD OF LAST RESORT;
20 AND

21 C. SPECIFICALLY EXAMINE THE USE AND SALE OF ILLEGAL PESTICIDES IN
22 URBAN AREAS.

23 D. THE BOARD, HOWEVER, SHALL NOT MAKE RECOMMENDATIONS INCONSISTENT
24 WITH FDA APPROVED PRESCRIPTION THERAPIES WHICH ALSO HAPPEN TO HAVE
25 PESTICIDAL USES.

26 2. THE BOARD SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGIS-
27 LATURE REGARDING ANY POLICY REFORMS AND ENFORCEMENT MEASURES NECESSARY
28 TO REDUCE THE RISK OF PESTICIDE USE IN URBAN AREAS AND ENCOURAGE USE OF
29 NON-TOXIC METHODS OF PEST MANAGEMENT. THE BOARD SHALL ISSUE A PRELIMI-
30 NARY REPORT TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN JANUARY
31 FIFTEENTH, TWO THOUSAND TWELVE AND A FINAL REPORT NO LATER THAN JANUARY
32 FIFTEENTH, TWO THOUSAND THIRTEEN.

33 3. THE BOARD SHALL UTILIZE RESOURCES OF THE DEPARTMENT, INCLUDING, BUT
34 NOT LIMITED TO, PESTICIDE REPORTING DATA FILED UNDER TITLE TWELVE OF
35 THIS ARTICLE.

36 4. FOR THE PURPOSES OF THIS TITLE, "URBAN AREAS" SHALL MEAN CITIES OR
37 TOWNS WITH A POPULATION DENSITY OF GREATER THAN ONE THOUSAND PERSONS PER
38 SQUARE MILE.

39 S 33-1705. RESPONSIBILITIES OF THE DEPARTMENT AND OTHER AGENCIES.

40 THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL PROVIDE THE BOARD
41 WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE BOARD TO
42 CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE
43 STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CO-CHAIRS
44 PROVIDE THE BOARD WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL
45 ENABLE THE BOARD TO CARRY OUT ITS POWER AND DUTIES.

46 S 2. Paragraph b of subdivision 3 of section 33-0905 of the environ-
47 mental conservation law, as added by chapter 612 of the laws of 1983, is
48 amended to read as follows:

49 b. An applicant for certification shall satisfy the commissioner as to
50 his OR HER knowledge and experience concerning the proper use and appli-
51 cation of pesticides [and], pesticide application equipment, AND PEST
52 MANAGEMENT TECHNIQUES THAT DO NOT INVOLVE THE USE OF PESTICIDES, INCLUD-
53 ING BUT NOT LIMITED TO STRUCTURAL IMPROVEMENTS, MECHANICAL CONTROLS, AND
54 BIOLOGICAL CONTROLS, through examination prior to initial certification.
55 Recertification shall be by training, workbook, or examination as
56 required by the commissioner.

1 S 3. This act shall take effect immediately; provided, however, that
2 section one of this act shall remain in full force and effect until
3 April 1, 2013, when upon such date the provisions of such section shall
4 expire and be deemed repealed.