

1074

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. ENGLEBRIGHT, JACOBS -- read once and referred to  
the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
pesticide applications in food-selling establishments

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

Section 1. Section 33-0101 of the environmental conservation law is  
amended by adding a new subdivision 50 to read as follows:

50. "INTEGRATED PEST MANAGEMENT" MEANS AN ECONOMICAL AND ENVIRONMENTALLY  
SENSITIVE APPROACH TO PEST MANAGEMENT WHICH RELIES ON A COMBINATION OF  
BIOLOGICAL, CHEMICAL, CULTURAL AND MECHANICAL PRACTICES TO MANAGE PEST  
POPULATIONS BY THE MOST EFFECTIVE MEANS TO PREVENT UNACCEPTABLE LEVELS  
OF PEST ACTIVITIES AND DAMAGE, WITH THE LEAST HAZARD TO PEOPLE, PROPERTY  
AND THE ENVIRONMENT. CHEMICAL CONTROL MEASURES ARE TO BE THE PRACTICE OF  
LAST RESORT.

S 2. Article 33 of the environmental conservation law is amended by  
adding a new title 14 to read as follows:

TITLE 14

PESTICIDE APPLICATIONS IN FOOD-SELLING ESTABLISHMENTS

SECTION 33-1401. REQUIREMENTS.

33-1403. NOTICE.

S 33-1401. REQUIREMENTS.

THE FOLLOWING REQUIREMENTS APPLY TO ALL PEST CONTROL ACTIVITIES  
CONDUCTED WITHIN FOOD-SELLING ESTABLISHMENTS:

1. ALL PEST CONTROL ACTIVITIES CONDUCTED IN FOOD-SELLING ESTABLISHMENTS  
SHALL UTILIZE INTEGRATED PEST MANAGEMENT PROGRAMS TO CONTROL PESTS;

2. BROADCAST SPRAYS OF PESTICIDES ARE PROHIBITED IN ALL FOOD-SELLING  
ESTABLISHMENTS;

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

LBD05714-01-3

1 3. PESTICIDES SHALL NOT BE APPLIED IN THE FRESH PRODUCE SECTION OF THE  
2 ESTABLISHMENT; AND

3 4. ONLY CERTIFIED APPLICATORS SHALL APPLY PESTICIDES IN FOOD-SELLING  
4 ESTABLISHMENTS.

5 S 33-1403. NOTICE.

6 1. NOTICE OF ALL PESTICIDE APPLICATIONS SHALL BE POSTED AT CUSTOMER  
7 ENTRANCES PRIOR TO EACH PESTICIDE APPLICATION IN FOOD-SELLING ESTABLISH-  
8 MENTS, CONTAINING THE FOLLOWING INFORMATION:

9 A. THE STATEMENT "PESTICIDES HAVE BEEN USED TO CONTROL INDOOR PESTS IN  
10 THIS FACILITY";

11 B. THE NAME OF PESTICIDE BUSINESS AND CERTIFIED APPLICATOR MAKING THE  
12 APPLICATION;

13 C. THE PESTICIDE PRODUCT NAME, REGISTRATION NUMBER AND ACTIVE INGREDI-  
14 ENT;

15 D. THE DATE OF THE PESTICIDE APPLICATION; AND

16 E. A CONTACT PERSON FROM WHOM MORE INFORMATION, INCLUDING A COPY OF  
17 THE PESTICIDE PRODUCT LABEL, CAN BE REQUESTED.

18 2. ANY PERSON REQUESTING A COPY OF THE PESTICIDE PRODUCT LABEL SHALL  
19 RECEIVE SUCH LABEL WITHIN TEN DAYS OF THE REQUEST. IN THE CASE OF A  
20 HEALTH EMERGENCY, THE LABEL SHALL BE PROVIDED IMMEDIATELY UPON REQUEST.

21 S 3. This act shall take effect on the ninetieth day after it shall  
22 have become a law.