

4841--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. PAULIN, GALEF, CLARK, ENGLEBRIGHT, MILLMAN, QUART, ROBERTS, ZEBROWSKI, BOYLAND, COOK, ABINANTI -- Multi-Sponsored by -- M. of A. GOTTFRIED, JACOBS, LUPARDO, RIVERA, ROBINSON, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting the use of pesticides at children's overnight or summer day camp

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

1 Section 1. Section 1396 of the public health law is renumbered section
2 1397 and a new section 1396 is added to read as follows:
3 S 1396. PESTICIDE ALTERNATIVES. 1. FOR PURPOSES OF THIS SECTION
4 "PESTICIDE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION
5 THIRTY-FIVE OF SECTION 33-0101 OF THE ENVIRONMENTAL CONSERVATION LAW,
6 PROVIDED HOWEVER THAT IT SHALL NOT INCLUDE:
7 (A) THE APPLICATION OF ANTI-MICROBIAL PESTICIDES AND ANTI-MICROBIAL
8 PRODUCTS AS DEFINED BY FIFRA IN 7 U.S.C. SECTION 136 (MM) AND 136 Q (H)
9 (2);
10 (B) THE USE OF AN AEROSOL PRODUCT WITH A DIRECTED SPRAY, IN CONTAINERS
11 OF EIGHTEEN FLUID OUNCES OR LESS, WHEN USED TO PROTECT INDIVIDUALS FROM
12 AN IMMINENT THREAT FROM STINGING AND BITING INSECTS, INCLUDING VENOMOUS
13 SPIDERS, BEES, WASPS AND HORNETS;
14 (C) THE USE OF NON-VOLATILE INSECT OR RODENT BAIT IN A TAMPER RESIST-
15 ANT CONTAINER;
16 (D) THE APPLICATION OF A PESTICIDE CLASSIFIED BY THE UNITED STATES
17 ENVIRONMENTAL PROTECTION AGENCY AS AN EXEMPT MATERIAL UNDER 40 CFR PART
18 152.25;
19 (E) THE USE OF BORIC ACID AND DISODIUM OCTABORATE TETRAHYDRATE; OR
20 (F) THE USE OF HORTICULTURAL SOAP AND OILS THAT DO NOT CONTAIN
21 SYNTHETIC PESTICIDES OR SYNERGISTS.

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

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1 2. NO CHILDREN'S OVERNIGHT CAMP OR SUMMER DAY CAMP SHALL APPLY PESTI-
2 CIDE TO ANY PLAYGROUNDS, TURF, ATHLETIC OR PLAYING FIELDS, EXCEPT THAT
3 AN EMERGENCY APPLICATION OF A PESTICIDE MAY BE MADE AS DETERMINED BY THE
4 COUNTY HEALTH DEPARTMENT OR FOR A COUNTY NOT HAVING A HEALTH DEPARTMENT,
5 SUCH AUTHORITY AS THE COUNTY LEGISLATURE SHALL DESIGNATE, THE COMMIS-
6 SIONER OR HIS OR HER DESIGNEE OR THE COMMISSIONER OF ENVIRONMENTAL
7 CONSERVATION OR HIS OR HER DESIGNEE.

8 S 2. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law. Effective immediately the department of
10 health and the department of environmental conservation may promulgate
11 any rule or regulation necessary for the timely implementation of this
12 act on its effective date.