

5288

2013-2014 Regular Sessions

I N S E N A T E

May 15, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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.

22 2. NO CHILDREN'S OVERNIGHT CAMP OR SUMMER DAY CAMP SHALL APPLY PESTI-
23 CIDE TO ANY PLAYGROUNDS, TURF, ATHLETIC OR PLAYING FIELDS, EXCEPT THAT
24 AN EMERGENCY APPLICATION OF A PESTICIDE MAY BE MADE AS DETERMINED BY THE
25 COUNTY HEALTH DEPARTMENT OR FOR A COUNTY NOT HAVING A HEALTH DEPARTMENT,

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

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1 SUCH AUTHORITY AS THE COUNTY LEGISLATURE SHALL DESIGNATE, THE COMMIS-
2 SIONER OR HIS OR HER DESIGNEE OR THE COMMISSIONER OF ENVIRONMENTAL
3 CONSERVATION OR HIS OR HER DESIGNEE.

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