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2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. ZEBROWSKI, LIFTON, SCHIMEL, JAFFEE, ABINANTI --
Multi-Sponsored by -- M. of A. GOTTFRIED, O'DONNELL, TITONE -- read
once and referred to the Committee on Environmental Conservation

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 ASSEM-
BLY, 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
21 DAMAGE OR ANNOYANCE LEVELS; AND ONLY AS A LAST RESORT, UTILIZES
22 LEAST-TOXIC PESTICIDE CONTROLS.

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

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2. THE INTEGRATED PEST MANAGEMENT PLAN FOR CHILD DAY CARE CENTERS, AND HEAD START DAY CARE CENTERS AND SCHOOLS, AS DEVELOPED BY THE COMMISSIONER, SHALL REQUIRE AT A MINIMUM THE FOLLOWING:

A. A PROVISION FOR PUBLIC ACCESS TO ALL INFORMATION ABOUT THE IMPLEMENTATION OF THE PLANS;

B. ALL PESTICIDE APPLICATIONS TO BE CONDUCTED BY A CERTIFIED COMMERCIAL APPLICATOR. PESTICIDE APPLICATIONS BY PERSONS WORKING UNDER THE DIRECT SUPERVISION OF A CERTIFIED PESTICIDE APPLICATOR SHALL BE PROHIBITED;

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

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

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

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

A CHILD DAY CARE CENTER, HEAD START DAY CARE CENTER OR SCHOOL MAY PROPOSE AN INTEGRATED PEST MANAGEMENT PLAN, SEPARATE FROM THE COMMISSIONER'S PLAN, BASED UPON THE UNIQUE CIRCUMSTANCES OF THE DAY CARE CENTER OR SCHOOL. THE COMMISSIONER MAY APPROVE OR DENY THE APPLICATION BASED UPON AN ANALYSIS OF THE UNIQUE CIRCUMSTANCES COMPARED TO THE GOALS OF THE COMMISSIONER'S INTEGRATED PEST MANAGEMENT PLAN. UPON APPROVAL OF SUCH APPLICATION BY THE COMMISSIONER, THE DAY CARE CENTER OR SCHOOL MAY SUBSTITUTE THE COMMISSIONER'S PLAN WITH THE APPROVED INDIVIDUAL INTEGRATED PESTICIDE MANAGEMENT PLAN IN COMPLIANCE WITH THIS TITLE.

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

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

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

S 409-L. INTEGRATED PEST MANAGEMENT REQUIREMENTS FOR SCHOOLS. ALL SCHOOLS ARE REQUIRED TO IMPLEMENT AN INTEGRATED PEST MANAGEMENT PLAN WHICH HAS BEEN DEVELOPED OR APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE SEVENTEEN OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

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