3448

2015-2016 Regular Sessions

IN SENATE

February 9, 2015

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to creating the state urban pesticide board and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Article 33 of the environmental conservation law is amended by adding a new title 17 to read as follows: 2 3

TITLE 17

STATE URBAN PESTICIDE BOARD

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SECTION 33-1701. CREATION OF STATE URBAN PESTICIDE BOARD.

33-1703. FUNCTIONS, POWERS, AND DUTIES.

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

- S 33-1701. CREATION OF STATE URBAN PESTICIDE BOARD.
- THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE "STATE URBAN PESTICIDE BOARD", REFERRED TO IN THIS TITLE AS THE BOARD. SUCH BOARD SHALL CONSIST OF TEN MEMBERS, FOUR OF WHOM SHALL BE APPOINTED BY THE GOVERNOR AND SHALL INCLUDE THE COMMISSIONER AND THE COMMISSIONER OF THREE OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.
- 2. THE EIGHT AT LARGE MEMBERS OF THE BOARD SHOULD INCLUDE: A REPRESEN-16 17 TATIVE OF AN ORGANIZATION WHOSE PRIME FUNCTION IS THE ENHANCEMENT OF THE ENVIRONMENTAL OUALITY OF THE STATE; AN INDIVIDUAL WHO BY PROFESSIONAL 18 TRAINING OR EXPERIENCE HAS EXPERTISE IN PUBLIC HEALTH MATTERS; AN 19 VIDUAL WHO BY PROFESSIONAL TRAINING OR EXPERIENCE HAS EXPERTISE IN PEST 20 21 MANAGEMENT TECHNIQUES; A REPRESENTATIVE FROM THE PESTICIDE APPLICATION 22 INDUSTRY; A REPRESENTATIVE FROM AN ORGANIZATION CONCERNED WITH TENANTS

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

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

- 3. THE COMMISSIONER AND THE COMMISSIONER OF HEALTH, OR THEIR DESIG-NEES, SHALL SERVE AS THE CO-CHAIRS OF THE BOARD.
- 4. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.
 - S 33-1703. FUNCTIONS, POWERS, AND DUTIES.
 - 1. THE BOARD SHALL, AT A MINIMUM:
- A. EXAMINE PATTERNS OF PESTICIDE USE IN URBAN AREAS, INCLUDING THE AMOUNT OF PESTICIDES USED RELATIVE TO OTHER AREAS, THE PARTICULAR TYPES OF PESTICIDES USED, THE TARGET PESTS BEING ADDRESSED, AND PESTICIDE IN PUBLIC OR ASSISTED HOUSING AND SCHOOLS;
- RESEARCH NON-TOXIC AND LEAST TOXIC ALTERNATIVE MEANS OF PEST MANAGEMENT IN URBAN AREAS, INCLUDING INVESTIGATING PRIVATE AND PUBLIC PILOT PROJECTS IN NEW YORK STATE AND OTHER STATES WHOSE PURPOSE IS TO IMPLEMENT PEST MANAGEMENT STRATEGIES THAT DO NOT RELY ON HAZARDOUS PESTICIDES BUT INSTEAD RELY ON PHYSICAL, MECHANICAL, AND BIOLOGICAL CONTROL METHODS, WITH LEAST-TOXIC PESTICIDES AS A METHOD OF LAST RESORT; AND
- 21 C. SPECIFICALLY EXAMINE THE USE AND SALE OF ILLEGAL PESTICIDES 22 URBAN AREAS.
 - THE BOARD, HOWEVER, SHALL NOT MAKE RECOMMENDATIONS INCONSISTENT WITH FDA APPROVED PRESCRIPTION THERAPIES WHICH ALSO HAPPEN TO HAVE PESTICIDAL USES.
 - 2. THE BOARD SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGIS-LATURE REGARDING ANY POLICY REFORMS AND ENFORCEMENT MEASURES NECESSARY TO REDUCE THE RISK OF PESTICIDE USE IN URBAN AREAS AND ENCOURAGE USE NON-TOXIC METHODS OF PEST MANAGEMENT. THE BOARD SHALL ISSUE A PRELIMI-NARY REPORT TO THE GOVERNOR AND THE LEGISLATURE NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND SIXTEEN AND A FINAL REPORT NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND SEVENTEEN.
- 33 3. THE BOARD SHALL UTILIZE RESOURCES OF THE DEPARTMENT, INCLUDING, BUT 34 NOT LIMITED TO, PESTICIDE REPORTING DATA FILED UNDER TITLE TWELVE OF THIS ARTICLE. 35
 - 4. FOR THE PURPOSES OF THIS TITLE, "URBAN AREAS" SHALL MEAN CITIES TOWNS WITH A POPULATION DENSITY OF GREATER THAN ONE THOUSAND PERSONS PER SOUARE MILE.
 - S 33-1705. RESPONSIBILITIES OF THE DEPARTMENT AND OTHER AGENCIES.
 - THE DEPARTMENT AND THE DEPARTMENT OF HEALTH SHALL PROVIDE THE BOARD WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE BOARD CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CO-CHAIRS PROVIDE THE BOARD WITH SUCH FACILITIES, ASSISTANCE, AND DATA ENABLE THE BOARD TO CARRY OUT ITS POWER AND DUTIES.
 - 2. Paragraph b of subdivision 3 of section 33-0905 of the environmental conservation law, as added by chapter 612 of the laws of 1983, is 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 MANAGEMENT TECHNIQUES THAT DO NOT INVOLVE THE USE OF PESTICIDES, INCLUD-52 ING BUT NOT LIMITED TO STRUCTURAL IMPROVEMENTS, MECHANICAL CONTROLS, AND 53 54 BIOLOGICAL CONTROLS, through examination prior to initial certification. Recertification shall be by training, workbook, or examination as
- 56 required by the commissioner.

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S 3. This act shall take effect immediately; provided, however, that section one of this act shall remain in full force and effect until April 1, 2017, when upon such date the provisions of such section shall expire and be deemed repealed.