S T A T E O F N E W Y O R K

7391

I N S E N A T E

April 27, 2016

Introduced by Sen. SERRANO -- 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 prohibiting the aerial and ground application of malathion and certain pyrethroid-based insecticides

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

Section 1. The environmental conservation law is amended by adding a new section 37-0115 to read as follows:

S 37-0115. PROHIBITION ON THE AERIAL AND GROUND APPLICATION OF MALATHION AND CERTAIN PYRETHROID-BASED INSECTICIDES.

1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, MUNICIPALITY OR GOVERNMENT ENTITY SHALL ALLOW OR IMPLEMENT THE AERIAL OR GROUND APPLICATION OF MALATHION OR THE PYRETHROID-BASED INSECTICIDES RESMETHRIN AND SUMITHRIN:

(A) WITHIN ONE HUNDRED FEET OF ANY SCHOOL, DAY CARE CENTER OR PARK; OR

(B) ON OTHER PROPERTY WHEN CHILDREN ARE COMMUTING TO AND FROM SCHOOL AND ENGAGED IN OUTDOOR ACTIVITY.

2. IF A MORE RESTRICTIVE STANDARD IS SET FORTH IN THE INFORMATION CONTAINED ON THE LABEL OF THE PESTICIDE, OR BY OTHER REGULATIONS, INCLUDING COUNTY OR LOCAL REGULATIONS, THE MORE RESTRICTIVE STANDARD SHALL APPLY.

3. FOR THE PURPOSES OF THIS SECTION:

(A) "DAY CARE CENTER" MEANS ALL CHILD DAY CARE CENTERS AND HEAD START DAY CARE CENTERS; AND

(B) "SCHOOL" MEANS ANY PUBLIC SCHOOL DISTRICT OR PRIVATE OR PAROCHIAL SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

4. THE OFFICE IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS IT SHALL DEEM NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.

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

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