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

7445

I N S E N A T E

May 2, 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 nonemergency application of pesticide or lawn care pesticide within any municipal park lands and lands under the jurisdiction of the state office of parks, recreation and historic preservation and requiring notice of pesticide application

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 OF NONEMERGENCY APPLICATION OF PESTICIDE OR LAWN CARE PESTICIDE.

1. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, MUNICIPALITY OR GOVERNMENT ENTITY SHALL ALLOW OR IMPLEMENT THE NONEMERGENCY APPLICATION OF PESTICIDE OR LAWN CARE PESTICIDE IN ANY MUNICIPAL PARK LANDS AND LANDS UNDER THE JURISDICTION OF THE STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION.

2. PRIOR TO ANY APPLICATION OF PESTICIDE OR LAWN CARE PESTICIDE, THE OFFICE SHALL PROVIDE PUBLIC NOTICE AT LEAST SEVENTY-TWO HOURS PRIOR TO SUCH APPLICATION. SUCH PUBLIC NOTICE SHALL REMAIN POSTED ON THE PREMISE AND ON ANY INTERNET WEB SITE OPERATED BY THE OFFICE FOR SEVENTY-TWO HOURS.

3. FOR THE PURPOSES OF THIS SECTION:

(A) "PESTICIDE" MEANS A FUNGICIDE USED ON PLANTS, AN INSECTICIDE, A HERBICIDE OR A RODENTICIDE, BUT DOES NOT MEAN A SANITIZER, DISINFECTANT, ANTIMICROBIAL AGENT OR PESTICIDE BAIT IN A TAMPER RESISTANT CONTAINER;

(B) "LAWN CARE PESTICIDE" MEANS A PESTICIDE REGISTERED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND LABELED PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT FOR USE IN LAWN, GARDEN AND ORNAMENTAL SITES OR AREAS, BUT SHALL NOT INCLUDE ANY:

(1) MICROBIAL PESTICIDE OR BIOCHEMICAL PESTICIDE THAT IS REGISTERED WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; OR

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

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(2) A PESTICIDE CLASSIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS AN EXEMPT MATERIAL UNDER 40 CFR 152.25;

(C) "MICROBIAL PESTICIDE" MEANS A PESTICIDE THAT CONSISTS OF A MICROORGANISM AS THE ACTIVE INGREDIENT; AND

(D) "BIOCHEMICAL PESTICIDE" MEANS A NATURALLY OCCURRING SUBSTANCE THAT CONTROLS PESTS BY NONTOXIC MECHANISMS.

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.