

# STATE OF NEW YORK

4527

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ENGLEBRIGHT, GALEF -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to integrated pest management requirements for schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature finds and declares that  
2 it shall be the policy of the state of New York to provide every child  
3 with an environmentally safe and healthy learning environment in which  
4 to grow, learn and mature into productive and healthy adults. To ensure  
5 that schools provide this setting for our children, the legislature  
6 finds that pesticide use in school facilities must be reduced or avoided  
7 in order to protect children's environmental health and safety. Chil-  
8 dren are uniquely vulnerable to and may be severely affected by exposure  
9 to chemicals such as pesticides. By establishing integrated pest manage-  
10 ment strategies that primarily rely on non-chemical pest control, expo-  
11 sures to children from toxic pesticides can be eliminated or reduced to  
12 less hazardous levels.

13 § 2. The education law is amended by adding a new section 409-m to  
14 read as follows:

15 § 409-m. Integrated pest management requirements for schools. 1. For  
16 purposes of this section, the following terms are defined:

17 (a) "School" means all facilities for grades kindergarten through  
18 twelve operated by any school district, including any city school  
19 district with a population over one hundred twenty-five thousand, or any  
20 board of cooperative educational services.

21 (b) "Integrated pest management" and "IPM" mean a decision-making  
22 process for pest control that utilizes regular monitoring to determine  
23 if and when controls are needed; employs physical, mechanical, cultural,  
24 biological and educational tactics to control conditions that promote  
25 pest infestations and to keep pest populations at tolerable damage or

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

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1 annoyance levels; and only as a last resort, utilizes least-toxic pesti-  
2 cide controls. The overall goal of IPM is to eliminate the unnecessary  
3 use of pesticides and reduce the use of all pesticides.

4 (c) "Facilities" means school buildings, land and other appurtenances  
5 of a school district or board of cooperative educational services.

6 2. To ensure that schools are safe and healthy environments for  
7 students, teachers and other staff and occupants, certain requirements  
8 shall be placed on pesticide use in these facilities.

9 (a) All schools shall have pest management plans for all pest control  
10 activities, which have been subject to public review and approved by the  
11 school board. Such plans shall utilize IPM techniques to manage and  
12 control pests and problems. All IPM plans shall include a provision for  
13 public access to all information about the implementation of the plan.  
14 School districts may create advisory committees to assist in the devel-  
15 opment of the IPM plans, and to monitor the implementation of such  
16 plans. No school shall conduct or have conducted any pesticide applica-  
17 tion to school facilities which is preventive in nature and which does  
18 not respond to verifiable pest problems.

19 (b) Schools shall be responsible for providing an annual evaluation of  
20 the implementation of their IPM plans to the school board. Every school  
21 shall update its IPM plan once every three years. Such information shall  
22 be publicly available.

23 (c) Every school shall have its pesticide applications conducted by a  
24 certified commercial pesticide applicator. Pesticide applications by  
25 persons working under the direct supervision of a certified pesticide  
26 applicator shall be prohibited.

27 (d) A notice of the pesticide application and a copy of the pesticide  
28 label, shall be prominently posted in a common area of a building which  
29 is to receive a pesticide application. The common area shall be readily  
30 accessible to all occupants of the building. The notice and pesticide  
31 label shall remain posted for at least forty-eight hours following the  
32 pesticide application. Such notice shall include, at a minimum, the name  
33 and telephone number of a school employee or contact person who shall  
34 provide detailed information on the pesticide applications. A copy of  
35 the pesticide label must be made available to any person requesting such  
36 label within twenty-four hours of such requests.

37 (e) When pesticides are applied to school grounds, turf, trees or  
38 shrubs, visual notification markers, as provided in section 33-1003 of  
39 the environmental conservation law, shall be posted at least every fifty  
40 feet with at least one marker on each side of the application area.

41 § 3. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law.