

STATE OF NEW YORK

9865

IN ASSEMBLY

February 20, 2020

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to prohibiting a municipal corporation from applying pesticides to any playgrounds, turf, athletic or playing fields

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

1 Section 1. The general municipal law is amended by adding a new
2 section 99-x to read as follows:

3 § 99-x. Pesticide alternatives. 1. For purposes of this section,
4 "pesticide" shall have the same meaning as set forth in subdivision
5 thirty-five of section 33-0101 of the environmental conservation law,
6 provided however that it shall not include:

7 (a) the application of anti-microbial pesticides and anti-microbial
8 products as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h)
9 (2);

10 (b) the use of an aerosol product with a directed spray, in containers
11 of eighteen fluid ounces or less, when used to protect individuals from
12 an imminent threat from stinging and biting insects, including venomous
13 spiders, bees, wasps and hornets;

14 (c) the use of non-volatile insect or rodent bait in a tamper resist-
15 ant container;

16 (d) the application of a pesticide classified by the United States
17 Environmental Protection Agency as an exempt material under 40 CFR Part
18 152.25;

19 (e) the use of boric acid and disodium octaborate tetrahydrate; or

20 (f) the use of horticultural soap and oils that do not contain
21 synthetic pesticides or synergists.

22 2. No municipal corporation shall apply pesticide to any municipally-
23 owned playgrounds, turf, athletic or playing fields, except that an
24 emergency application of a pesticide may be made as determined by the
25 county health department or for a county not having a health department
26 such authority as the county legislature shall designate, the commis-
27 sioner of health or his or her designee, or the commissioner of environ-
28 mental conservation or his or her designee.

29 § 2. This act shall take effect January 1, 2022.

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

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