

# STATE OF NEW YORK

8733

## IN ASSEMBLY

January 11, 2022

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to pesticide use prohibited at certain children's camps

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

1 Section 1. Section 1396 of the public health law, as added by a chap-  
2 ter of the laws of 2021 amending the public health law and the environ-  
3 mental conservation law relating to prohibiting the use of pesticides at  
4 children's overnight or summer day camp, as proposed in legislative  
5 bills numbers S. 4478-A and A. 528-A, is amended to read as follows:

6 § 1396. Pesticide [~~alternatives~~] applications. 1. For purposes of  
7 this section "pesticide" shall have the same meaning as set forth in  
8 subdivision thirty-five of section 33-0101 of the environmental conser-  
9 vation law, provided however that [~~it shall not include~~] the following  
10 pesticide application shall be exempt:

11 (a) the application of anti-microbial pesticides [~~and anti-microbial~~  
12 ~~products~~] as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h)  
13 (2);

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

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

20 (d) the application of a pesticide classified by the United States  
21 Environmental Protection Agency as an exempt material under 40 CFR Part  
22 152.25;

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

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

26 2. No [~~camp defined in subdivisions one and two of section thirteen~~  
27 ~~hundred ninety two of this article, or children's non-regulated camp~~

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

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1 ~~defined in section three hundred ninety-eight-f of the general business~~  
2 ~~law,~~ person shall apply pesticide to any [~~playgrounds~~] playground, turf  
3 or athletic or playing [~~fields~~] field at any camp as defined pursuant to  
4 subdivisions one and two of section thirteen hundred ninety-two of this  
5 article, or children's non-regulated camp as defined pursuant to section  
6 three hundred ninety-eight-f of the general business law, other than  
7 those on publicly-owned or publicly-leased property in a city of more  
8 than one million, except that: (a) an emergency application of a pesti-  
9 cide may be made by a camp defined in subdivisions one and two of  
10 section thirteen hundred ninety-two of this article as determined by the  
11 county health department or for a county served by a district office of  
12 the department of health, such authority as the county legislature shall  
13 designate, the commissioner or his or her designee; and (b) an emergency  
14 application of a pesticide may be made by a children's non-regulated  
15 camp defined in section three hundred ninety-eight-f of the general  
16 business law as determined by the commissioner or his or her designee.

17 ~~[If a response to a request for an emergency application of pesticide is~~  
18 ~~not received by a camp within twenty four hours, such camp may contract~~  
19 ~~with a pesticide applicator certified under section 33-0905 of the envi-~~  
20 ~~ronmental conservation law for a single application of pesticide,~~  
21 ~~provided that the camp submit documentation of the emergency pesticide~~  
22 ~~application to the county health department or the commissioner imme-~~  
23 ~~diately thereafter. Such documentation shall include an explanation of~~  
24 ~~the emergency, the date on which the camp requested approval for an~~  
25 ~~emergency application of pesticide, the date and time the pesticide was~~  
26 ~~applied, the pesticide or pesticides applied, and the name of the certi-~~  
27 ~~fied pesticide applicator who applied the pesticide.~~

28 ~~3. The commissioner shall have the power to exempt from this section~~  
29 ~~any camp defined in subdivisions one and two of section thirteen hundred~~  
30 ~~ninety-two of this article to the extent that it is not practicable to~~  
31 ~~use pesticide alternatives as defined in subdivision one of this~~  
32 ~~section.]~~

33 § 2. Subdivision 7 of section 33-0303 of the environmental conserva-  
34 tion law, as amended by a chapter of the laws of 2021 amending the  
35 public health law and the environmental conservation law relating to  
36 prohibiting the use of pesticides at children's overnight or summer day  
37 camp, as proposed in legislative bills numbers S. 4478-A and A. 528-A,  
38 is amended to read as follows:

39 7. The commissioner, in consultation with the commissioner of educa-  
40 tion and the commissioner of health, shall develop guidance on pesticide  
41 alternatives to facilitate compliance with section four hundred nine-k  
42 of the education law[~~7~~] and three hundred ninety-g of the social  
43 services law [~~and thirteen hundred ninety-six of the public health law~~].

44 § 3. This act shall take effect on the same date and in the same  
45 manner as a chapter of the laws of 2021 amending the public health law  
46 and the environmental conservation law relating to prohibiting the use  
47 of pesticides at children's overnight or summer day camp, as proposed in  
48 legislative bills numbers S. 4478-A and A. 528-A, takes effect.