

STATE OF NEW YORK

4478

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to prohibiting the use of pesticides at children's overnight or summer day camp

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 is renumbered section
2 1397 and a new section 1396 is added to read as follows:

3 § 1396. 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 camp defined in subdivisions one and two of section thirteen
23 hundred ninety-two of this article, or children's non-regulated camp
24 defined in section three hundred ninety-eight-f of the general business

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

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1 law, shall apply pesticide to any playgrounds, turf, athletic or playing
2 fields, other than those on publicly-owned or publicly-leased property
3 in a city of more than one million, except that an emergency application
4 of a pesticide may be made as determined by the county health department
5 or for a county not having a health department, such authority as the
6 county legislature shall designate, the commissioner or his or her
7 designee or the commissioner of environmental conservation or his or her
8 designee. If a response to a request for an emergency application of
9 pesticide is not received by a camp within twenty-four hours, such camp
10 may contract with a pesticide applicator certified under section 33-0905
11 of the environmental conservation law for a single application of pesti-
12 cide, provided that the camp submit documentation of the emergency
13 pesticide application to the county health department or the commis-
14 sioner immediately thereafter. Such documentation shall include an explana-
15 tion of the emergency, the date on which the camp requested approval for
16 an emergency application of pesticide, the date and time the pesticide
17 was applied, the pesticide or pesticides applied, and the name of the
18 certified pesticide applicator who applied the pesticide.

19 3. The commissioner shall have the power to exempt from this section
20 any camp defined in subdivisions one and two of section thirteen hundred
21 ninety-two of this article to the extent that it is not practicable to
22 use pesticide alternatives as defined in subdivision one of this
23 section.

24 § 2. Subdivision 7 of section 33-0303 of the environmental conserva-
25 tion law, as added by chapter 85 of the laws of 2010, is amended to read
26 as follows:

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

32 § 3. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law. Effective immediately, the addition, amend-
34 ment and/or repeal of any rule or regulation necessary for the implemen-
35 tation of this act on its effective date are authorized to be made on or
36 before such effective date.