STATE OF NEW YORK

1467

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to restricting the use of total release fogging pesticides

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

Section 1. Legislative findings. The legislature hereby finds that total release pesticide foggers, otherwise known as "bug bombs," present a dangerous health risk to communities. They fill an area with insecticide by releasing the complete pressurized contents of cans in a widely distributed fine mist. Adverse health effects to total release foggers are frequent and exposures to insecticidal foggers are more likely to result in adverse health outcomes, such as pesticide poisoning and asthma, than exposures to other pesticide products. Restricting the sale of pesticide foggers to consumers will reduce their use by ensuring only personnel trained to understand and follow the restrictions will apply them. Furthermore, eliminating their use in multi-unit buildings will protect the health and well-being of residents of those buildings from dangerous effects of these products.

§ 2. Subdivision 1 of section 33-1301 of the environmental conservation law is amended by adding a new paragraph f to read as follows:

f. Any pesticide classified as a total release fogging pesticide, unless:

(1) the purchaser is licensed as a certified commercial pesticide applicator, certified residential pesticide applicator, or certified commercial pesticide technician in the state of New York; or

(2) the purchaser is licensed in an equivalent manner in a jurisdiction with reciprocity with the state of New York, as determined by the department.

§ 3. Section 33-1301 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. For any person to use any pesticide classified as a total release fogging pesticide in multi-unit dwellings.

§ 4. This act shall take effect immediately.

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

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