

STATE OF NEW YORK

1861

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to the cleaning of playground equipment after pesticide exposure

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

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new section 29.17 to read as follows:

3 § 29.17 Cleaning of playground equipment after pesticide exposure. 1.
4 As used in this section, the following terms have the following mean-
5 ings:

6 (a) "Municipality" shall mean a city, county, town or village, or an
7 improvement district within a city, county, town or village or any
8 combination thereof.

9 (b) "Office" shall mean the state office of parks, recreation and
10 historic preservation.

11 (c) "Park playground equipment" shall mean playground equipment which
12 is located within a playground operated by any municipality or office.

13 (d) "Pesticide" shall have the same meaning as in subdivision thirty-
14 five of section 33-0101 of the environmental conservation law.

15 2. The department of environmental conservation in consultation with
16 the department of health shall establish the minimum distance between
17 playground equipment and the spraying of a pesticide at which such
18 equipment will not be exposed to such pesticides.

19 3. Following the spraying of any pesticide by or on behalf of any
20 municipality or office, the municipality or office shall clean all park
21 playground equipment located less than the minimum distance established
22 by the department of environmental conservation and the department of
23 health. The municipality or office shall make a reasonable effort to
24 clean the equipment immediately following pesticide application, but

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

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1 shall be required to clean the equipment within twenty-four hours of the
2 application. The department of environmental conservation and the
3 department of health shall establish the best practice for cleaning
4 playground equipment to remove pesticide residue.

5 4. For purposes of this section the use of an aerosol product with a
6 directed spray, in containers of eighteen fluid ounces or less, when
7 used to protect individuals from an imminent threat from stinging and
8 biting insects including venomous spiders, bees, wasps, and hornets,
9 shall be exempt. This section shall not exempt the use of any fogger
10 product or aerosol product that discharges to a wide area.

11 5. Nothing contained in this section shall be construed to restrict
12 the power of a city with a population of one million or more to adopt
13 and enforce local laws that comply with at least the minimum applicable
14 standards set forth in this section.

15 § 2. This act shall take effect on the one hundred eightieth day after
16 it shall have become a law. Effective immediately, the addition, amend-
17 ment and/or repeal of any rule or regulation necessary for the implemen-
18 tation of this act on its effective date are authorized to be made and
19 completed on or before such effective date.