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:

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

§ 29.17 Cleaning of playground equipment after pesticide exposure. 1. As used in this section, the following terms have the following meanings:

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

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

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

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

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

3. Following the spraying of any pesticide by or on behalf of any municipality or office, the municipality or office shall clean all park playground equipment located less than the minimum distance established by the department of environmental conservation and the department of health. The municipality or office shall make a reasonable effort to 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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shall be required to clean the equipment within twenty-four hours of the application. The department of environmental conservation and the department of health shall establish the best practice for cleaning playground equipment to remove pesticide residue.

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.