STATE OF NEW YORK

9069

IN SENATE

April 16, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the restriction of anticoagulant pesticide transactions for online and retail stores act

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

Section 1. Short title. This act shall be known and may be cited as the "restriction of anticoagulant pesticide transactions for online and retail stores act" or "RAPTORS act".

§ 2. Legislative intent. The legislature hereby finds and declares that it is the policy of this state to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in New York. It is the intent of this act to facilitate this goal by prohibiting the general public from purchasing and utilizing the world's deadliest rodenticides, notoriously deployed via helicopter to "restore the ecosystem" of entire rat-infested islands and often killing scores of raptors and other birds in the process.

This legislation also comes in the wake of Flaco's passing. Flaco, the Eurasian eagle-owl whose escape from the Central Park Zoo and life on the loose captivated New York, had been exposed at the time of his death to four of the seven pesticides this bill restricts. The legislature takes this action to protect all non-target species, not only raptors such as eagles, hawks, and owls, but also the thousands of children and pets exposed to anticoagulants that poison control centers receive calls for each year.

§ 3. Section 33-1301 of the environmental conservation law is amended by adding a new subdivision 14 to read as follows:

14. a. For any person within the state to sell, offer for sale or use, distribute, use, or deploy any pesticide or rodenticide containing a restricted SGAR or FGAR, in any concentration, unless such a purchaser or user has a valid purchase permit or certification identification card pursuant to section 33-0903 of this article.

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

LBD15056-04-4

b. For any person, including but not limited to, certified pesticide applicators and government officials, to use a pesticide containing any restricted SGAR or FGAR in, or within five hundred feet of, a wildlife habitat area. The commissioner, in consultation with the commissioner of agriculture and markets, may promulgate rules and regulations to permit the use of pesticides containing SGARs or FGARs by pesticide applicators certified pursuant to section 33-0905 of this article where such use is not reasonably expected to result in significant adverse effects to non-target wildlife.

c. For the purposes of this subdivision the following terms shall have the following meanings:

(1) "First-generation anticoagulant rodenticide" or "FGAR" means any pesticide product containing any of the following active ingredients:

(i) Diphacinone.

(ii) Warfarin.

(iii) Chlorophacinone.

(2) "Second-generation anticoagulant rodenticide" or "SGAR" means any pesticide product containing any of the following active ingredients:

(i) Brodifacoum.

(ii) Bromadiolone.

(iii) Difenacoum.

(iv) Difethialone.

(3) "Wildlife habitat area" means any park, wetland, wetland buffer, nature reserve or preserve, or wildlife refuge managed by a state agency, regional government, or quasi-government agency, or by a special district.

(4) "Significant adverse effect" means a direct or indirect activity that negatively affects the health or viability of a wildlife population or that damages or threatens wildlife habitats.

§ 4. This act shall take effect on the ninetieth 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.