

# STATE OF NEW YORK

3288

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sens. MYRIE, HOYLMAN-SIGAL, KRUEGER -- 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 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:

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

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

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

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

21 (2) the purchaser is licensed in an equivalent manner in a jurisdic-  
22 tion with reciprocity with the state of New York, as determined by the  
23 department.

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

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

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

5 § 4. This act shall take effect immediately.