STATE OF NEW YORK

1059--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. SERRANO, ADDABBO, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the aerial and ground application of malathion and certain pyrethroid-based insecticides

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

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 12 to read as follows:

TITLE 12
PROHIBITIONS ON THE USE OF MALATHION AND PYRETHROID-BASED INSECTICIDES
Section 37-1201. Definitions.
37-1203. Prohibition on the aerial and ground application of malathion and certain pyrethroid-based insecticides.
37-1205. Controlling standard.
37-1207. Emergency exception.
37-1209. Regulations.

§ 37-1201. Definitions.

For the purposes of this section:

1. "Day care center" means all child day care centers and head start day care centers, as defined in section three hundred ninety of the social services law;

2. "Park" means any state, county, or municipal park; and

3. "School" means any public school district or private or parochial school or board of cooperative educational services.

§ 37-1203. Prohibition on the aerial and ground application of malathion and certain pyrethroid-based insecticides.

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

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No person, firm, partnership, association, limited liability company, corporation, municipality or government entity shall allow or implement the aerial or ground application of malathion or pyrethroid-based insecticides:

1. within a park; or

2. within one hundred feet of any school, day care center or park.

§ 37-1205. Controlling standard.

If a more restrictive standard is set forth in the information contained on the label of the pesticide, or by other regulations, including county or local regulations, the more restrictive standard shall apply.

§ 37-1207. Emergency exception.

1. Notwithstanding the prohibitions of subdivision two of this section, an application of the least toxic pyrethroid pesticide available, as determined by the department, may be made in the case of an emergency. Determination of an emergency shall be made by the county health department, or for a county not having a health department such authority as the county legislature shall designate, the commissioner of health or their designee, the commissioner of environmental conservation or their designee, or, in the case of a public school, the school board.

2. Any such application shall be:

(a) conducted at a time that minimizes exposure to children;

(b) preceded by adequate public notice; and

(c) accompanied by appropriate signage.

§ 37-1209. Regulations.

The department is authorized to promulgate such rules and regulations as it shall deem necessary to implement the provisions of this title.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.