§ 1396. Pesticide applications. 1. For purposes of this section "pesticide" shall have the same meaning as set forth in subdivision thirty-five of section 33-0101 of the environmental conservation law, provided however that the following pesticide application shall be exempt:

(a) the application of anti-microbial pesticides as defined by FIFRA in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

(b) 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;

(c) the use of non-volatile insect or rodent bait in a tamper resistant container;

(d) the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

(e) the use of boric acid and disodium octaborate tetrahydrate; or

(f) the use of horticultural soap and oils that do not contain synthetic pesticides or synergists.

2. No person shall apply pesticide to any playground, turf or athletic or playing field at any camp as defined pursuant to subdivisions one and two of section thirteen hundred ninety-two of this article, or children's non-regulated camp as defined pursuant to section three hundred ninety-eight-f of the general business law, other than those on publicly-owned or publicly-leased property in a city of more than one million, except that: (a) an emergency application of a pesticide may be made by a camp defined in subdivisions one and two of section thirteen hundred ninety-two of this article as determined by the county health department or for a county served by a district office of the department of health, such authority as the county legislature shall designate, the commissioner or his or her designee; and (b) an emergency application of a pesticide may be made by a children's non-regulated camp defined in section three hundred ninety-eight-f of the general business law as determined by the commissioner or his or her designee.