

Excerpts from
GUIDANCE ON CHAPTER 85, laws of 2010
SUMMARY OF PESTICIDE PROHIBITION REQUIREMENTS AND PESTICIDE
ALTERNATIVES REGARDING SCHOOLS AND DAY CARE CENTERS IN NEW YORK
STATE
DECEMBER 22, 2010

D. EMERGENCY DETERMINATIONS

The purpose of the new law is to minimize the harmful effects of pesticides on children by limiting the use of aesthetic pesticides in sensitive areas such as schools and day care centers and develop pesticide alternatives. An exception to the pesticide prohibition is provided in the State Education Law (SEL) and Social Services Law (SSL). Use of a prohibited pesticide is allowed, when a determination is made that an emergency application is needed.

PUBLIC SCHOOLS: Each public school must contact its school board to seek an emergency pesticide application determination for any type of situation that may warrant an emergency. The SED has interpreted the SEL to require that the local school boards make all emergency determinations for public schools. Public schools should not contact the State DOH, county health departments or DEC to seek an emergency pesticide application determination. A school board, as it deliberates, may consult those agencies with relevant questions (as well as the in-house expertise of its grounds managers). Specifically, school boards may contact the county health department or the State DOH to consult on public health-related emergency situations and they may contact the DEC with questions about environmentally-related emergency situations.

GUIDANCE FOR DETERMINING WHEN A SITUATION IS AN EMERGENCY

The intent of the new law is to require schools and day care centers to manage grounds and pests without pesticides. Emergency determinations should only be sought or granted for a one-time pesticide application for a specific situation, which presents a true emergency. To provide guidance on deciding when a situation is not an emergency, the DEC, State DOH and SED, in consultation with OCFS, identified the following situations that these state agencies generally would not consider to warrant an emergency pesticide application determination:

- when the problem can be managed with the allowed products and/or alternative pest management methods (even when it takes time to learn and fully practice pesticide alternatives).
- for routine or repetitive pest problems. Pest problems can occur on a regular or seasonal basis, but they do not usually rise to the level of a public health or environmental threat that constitutes an emergency.
- when the pesticide application would be for purely aesthetic (non-emergency) reasons.

Consulting Agency Recourses Regarding Public Health-Related Emergency Situations:

AGENCY	PHONE NUMBER
Albany County DOH	(518) 447-4620
Saratoga	(518) 793-3893
Schenectady	(518) 386-2818
Schoharie	(518) 295-8382
Warren	(518) 793-3898
Washington	(518)793-3893
NYS DOH, Bureau of Toxic Substance Assessment	(518) 402-7820
NYS DEC Bureau of Pest Management	(518)402-8788

Adopted: July 7, 2011