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HB 53 Sectional Analysis

Section 1

Rearranges the wording of existing law in order to reduce confusion that could be caused by multiple definitions of “public place.”

Section 2

Requires state agencies to meet public comment and public notice requirements before spraying pesticides on state land, state-owned rights-of-way, and state highways. The agency must:

- Develop a pesticide spraying plan, and provide a copy to all cities, tribes, boroughs, and community councils in the affected area.
- Accept public comments on the plan. If a city, tribe, borough, or community council requests it, the agency must also hold a public hearing accessible to residents in the area where spraying will occur.
- After the comment period and any hearings, the agency doing the spraying can revise the plan. Whether or not it makes revisions, it must attach a written summary of the comments it received and responses to those comments. The agency then must send the new plan and its responses to comments to all cities, tribes, boroughs, and community councils in the area affected.
- When spraying occurs, written notice must be posted along the right-of-way or highway and at points of access to state land.

These requirements above are waived in cases where imminent danger to public health or an emergency threat to a natural resource could be avoided by prompt application of a pesticide or broadcast chemical.

This section also establishes buffer zones around fish habitat and water sources used for human consumption. To apply pesticides within the buffer zones, an agency must in addition to the above:

- Post written notice at the application site for at least 14 days prior to spraying (instead of just during spraying).
- Have a license from the Department of Environmental Conservation. Before issuing the license, DEC has to find that application of the pesticide will not harm the fish, fish habitat, or water source.

Section 3

Repeals a section of statute that defined “multi-family dwelling.” That definition was incorporated into Section 1 of the bill.