

<b>Topic:</b>	Pesticide Management; Agriculture; Local Environmental Law
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	City of Albany
<b>Year (adopted, written, etc.):</b>	1998
<b>Community Type – applicable to:</b>	Urban; Suburban
<b>Title:</b>	City of Albany Pesticide Ordinance
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### ***Abstract***

The purpose of this law is to phase out the use of pesticides in Albany, NY. The law sets forth a plan for “reduction, substitution and elimination” of pesticides for each of the City’s departments that have used and continue to use pesticides.

### ***Resource***

City of Albany NY Pesticides  
Code of the City of Albany NY  
Chapter 259: Pesticides  
Note goal of phasing out pesticide use and reliance on nonchemical pest controls  
General Code

[HISTORY: Adopted by the Common Council of the City of Albany 12-7-1998 by Ord. No. 38.71.98. Amendments noted where applicable.]

### **§ 259-1. Legislative intent.**

The Common Council declares it to be the policy of the City to phase out pesticide use for many pest-control purposes and to adopt a control policy that substantially relies on nonchemical pest controls. The Common Council further finds that because of continual developments in alternatives to pesticides, that City departments must carry out an ongoing review of pesticide use and continually seek to reduce and eliminate pesticide use.

### **§ 259-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ANTI-MICROBIAL PESTICIDES — A pesticide as defined by 7 U.S.C, § 136(mm).

PEST — Any insect, rodent, weed or any other form of terrestrial or aquatic or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals) which the Commissioner of the New York State Department of Environmental Conservation declares to be a pest.

PESTICIDE— Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

TASK FORCE ON WATER RESOURCES — The special task force created and appointed by the Mayor on January 12, 1998.

### **§ 259-3. Phase 1 reduction.**

Effective January 1, 1999, no department, commission or board, or any pesticide applicator employed by the department, commission or board as a contractor or subcontractor for pest control purposes, shall apply on City, board or commission property any pesticide classified as Toxicity Category I by the United States Environmental Protection Agency, or any pesticide classified as a known, likely or probable human carcinogen by the United States Environmental Protection Agency, except as provided for in § 259-8 of this chapter.

### **§ 259-4. Phase 2 reduction.**

Effective January 1, 2000, no department, commission or board, or any pesticide applicator employed by the department, commission or board as a contractor or subcontractor for pest control purposes, shall apply on City property any pesticide classified as Toxicity Category II by the United States Environmental Agency, or any pesticide classified as restricted use by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation, except in accordance with a plan developed pursuant to § 259-7 of this chapter or as provided in § 259-8 of this chapter.

### **§ 259-5. Phase 3 reduction.**

Effective January 1, 2001, no department, commission or board, or any pesticide applicator employed by the department, commission or board as a contractor or subcontractor for pest control purposes, shall apply on City property any pesticide classified as Toxicity Category III by the United States Environmental Protection Agency, except in accordance with a plan developed pursuant to § 259-7 of this chapter or as provided in § 259-8 of this chapter.

### **§ 259-6. Exceptions.**

Notwithstanding any other provisions of this chapter to the contrary, this chapter shall not apply to the following:

- A. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants, wastewater treatment plants, reservoirs and related collection, distribution and treatment facilities.
- B. Antimicrobial pesticides.
- C. Pesticides in contained baits for the purposes of rodent and insect control.
- D. Pesticides classified by the United States Environmental Protection Agency as exempt materials under CFR 152.25.

### **§ 259-7. City pesticide reduction, substitution and elimination plan.**

- A. Each City department in carrying out its duties shall assume that pesticides are potentially hazardous to humans and the environment and shall give preference to reasonably available nonpesticide alternatives when addressing pest problems on City property.
- B. Each City department that has used pesticides during the past year shall at least annually develop a plan for reducing pesticide use, substituting for less toxic, nontoxic and nonchemical alternatives to pesticides. In developing its plan, each department shall consult with persons and organizations with expertise in pesticide use, reduction and substitution, giving preference to nontoxic and nonchemical alternatives.
- C. On or before January 1 of every year, each City department that has used any pesticide during the previous year shall submit a plan that details how it will reduce pesticide use and substitute less toxic, nontoxic and nonchemical alternatives to pesticides in the coming year. The report shall specify any pesticide use thought to be necessary in the coming year, and alternatives to its use, and the potential for eliminating or reducing its use for substituting less toxic, nontoxic and nonchemical means pest control. The Task Force on Water Resources, in consultation with organizations with expertise in pesticides and alternatives to pesticides, shall assist the departments in reducing and, where feasible, eliminating pesticide use. The task force shall submit these reports to the Health and Environment Committee of the Common Council, the Chair of which shall be responsible for making the reports available to members of the Common Council.
- D. On or before January 1, 2001, the Task Force on Water Resources, in consultation with

applicable department heads and persons and organizations with expertise in pesticides and alternative to pesticide use, shall prepare and issue a report that assesses the feasibility of eliminating the use of pesticides classified as Toxicity Category III by the United States Environmental Protection Agency.

**§ 259-8. Waivers.**

In the event that the Mayor determines that a threat to human health warrants the use of pesticides that would otherwise not be allowed under this chapter, the Mayor, in consultation with the Task Force on Water Resources and organizations with expertise in pesticides and alternatives to pesticide use, shall determine if such a waiver is warranted and may issue a waiver from the provisions of this chapter based on the following criteria:

- A. The pest situation poses an immediate or imminent threat to human health; and
- B. Viable alternatives consistent with this chapter do not exist. In making such determination, the Mayor shall outline the means for addressing the underlying causes of the pest outbreak in order to prevent future outbreaks.