

(Introduced by: Legislator Bosworth)

Local Law No. 10 -2009

A LOCAL LAW to amend local law no. 30-2000, in relation to advance notification of aerial and ground spraying of pesticides for adult mosquito control.

Passed by the Nassau County Legislature on May 4, 2009  
Voting: ayes: 19 nays: 0 abstained: 0  
Became a law on June 1, 2009 with the approval of the  
County Executive.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
NASSAU, AS FOLLOWS:

Section 1. Section two of local law no. 30-2000, is amended to read as follows:

Section 2. a. The Nassau County Department of Health, acting on behalf of any county office or agency involved in the application of pesticides for adult mosquito control through aerial spraying or ground spraying shall notify, on a confidential basis, the members of the County Legislature upon submission to the Commissioner of the New York State Department of Health of a request for a declaration of a public health threat to conduct pesticide application in the County of Nassau. [give at least 24 hours prior notice of the application of the pesticide by notifying the major news media and members of the County Legislature, provided, however, if in the event that the application about which notification has been given has not been carried out, then such spraying shall not be conducted prior to giving new notification at least twenty four (24) hours regarding such application.]

b. The Nassau County Department of Health, acting on behalf of any county office or agency involved in the application of pesticides for adult mosquito control through aerial spraying or ground spraying, shall give at least twenty four (24) hours prior notice of such application to the members of the County Legislature, the major news media, one (1) newspaper publication with county wide circulation and shall post

FORM APPROVED

*CEL J. Kelly*  
Interim MAJORITY COUNSEL

such notification at least twenty four (24) hours prior to said application on the Nassau County Department of Health and Nassau County websites.

c. The Nassau County Department of Health shall establish and maintain a Mosquito Spraying Hotline to provide detailed information during said application.

d. In the event that an application of pesticides for adult mosquito control through aerial spraying or ground spraying is postponed or canceled, notice of said postponement or cancellation shall be posted on the Nassau County Department of Health and Nassau County websites as soon as practicable. Any rescheduling of said application shall not be conducted prior to giving a new notification at least twenty four (24) hours in advance in the manner prescribed by subsection b of this section.

§ 2. Section three of such local law is amended, to read as follows:

Section 3. The notice required by section 2(b) of this title shall include the following information:

a) The date and time at which aerial or ground spraying of any pesticide for adult mosquito control shall commence;

b) The duration of the aerial or ground spraying;

c) The location, with the maximum specificity that is reasonably possible, of the aerial or ground spraying;

d) The name of the pesticide being applied by aerial or ground spraying and the posting of the Material Safety Data Sheet for such pesticide upon the Nassau County Department of Health website;

e) Any health concerns related to the application of the pesticide;

f) Advice to residents as to safety precautions recommended by knowledgeable health personnel;

g) [Any other information deemed relevant by the Department of Health of Nassau County] The method of spraying;

h) The appropriate phone number(s) of the Mosquito Spraying Hotline and the Nassau County Department of Health and Nassau County website addresses;

i) [The method of spraying] Any other information deemed relevant by the Nassau County Department of Health.

§ 3. SEQRA Determination.

This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

§ 4. Effective date.

This local law shall be effective immediately after it shall have become a law.

**APPROVED**

*Marilyn Gottlieb*

**County Executive**

DATE 6/1/09