

New York State Laws and Regulations Regarding Invasive Species
September 2014

Department of Environmental Conservation:

NY Environmental Conservation Law Article 3 General functions, powers, duties and jurisdictions
Title 3 General functions, powers, duties and jurisdictions
3-0301 General functions, powers and duties of the department and the commissioner.
(1) (j) Promote control of pests...(k) Promote control of weeds and aquatic growth...(w) “Aquatic Nuisance Species Task Force” comprehensive management plans...

NY Environmental Conservation Law Article 9 Lands and Forests

Title 13 Forest insect and disease control.
9-1301. White pine blister rust and currant rust.
9-1303. Forest insects and other forest tree diseases.
Title 17 New York Invasive Species Council
9-1701 Legislative findings.
9-1703 Definitions.
9-1705 New York invasive species council.
9-1707 New York Invasive species advisory committee.
9-1709 General powers and duties.
9-1710 Aquatic invasive species spread prevention.

NY Environmental Conservation Law Article 11 Fish and Wildlife

Title 5 Fish and Wildlife Management
11-0507 Liberation of fish, shellfish and wildlife. (4) Zebra mussels (*Dreissena polymorpha*).
11-0509 Water chestnut.
11-0514 Eurasian boar.
Title 17 Importation and Sale of Fish, Wildlife and Game
11-1703 Importation, possession and sale of fish without license or permit

Regulations:

6 NYCRR part 10.1 (c) (3) Round Goby (*Neogobius melanostomus*)
6 NYCRR part 19 Use of Bait
6 NYCRR part 44.11 Chinese Mitten Crabs (*Eriocheir sinensis*).
6 NYCRR part 59.4 State Boat Launching Sites & 190.24 Boat Launching Sites
6 NYCRR part 180.9 Fish Dangerous to Indigenous Fish Populations
6 NYCRR part 180.12 Eurasian Boar
6 NYCRR part 188 Fish Health Inspection Requirements
6 NYCRR part 192 Forest Insect Disease Control
6 NYCRR part 575 Invasive Species

Department of Agriculture and Markets:

NY Agriculture and Markets Law Article 9: Inspection and Sale of Seed
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137 Label requirements of all seeds, including lawn-seeding.
138 Prohibitions.
139 Exemptions.
140 Samples; publication of results of tests.

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NY Agriculture and Markets Law Article 11: Integrated Pest Management Program

- 148 Establishment of integrated pest management program.
- 149 Enactment of compact.

NY Agriculture and Markets Law Article 14: Prevention and Control of Disease in Trees and Plants; Insect Pests; Sales of Fruit Bearing Trees.

- 161 Definitions.
- 162 Nursery stock; common carriers.
- 163 Prevention of introduction of injurious insects, noxious weeds, and plant diseases.
- 164 Control and eradication of injurious insects, noxious weeds, and plant diseases.
- 165 Damage for property destroyed.
- 166 Examination and certification of nurseries and nursery stock.
- 167 Access to premises; quarantines; rules and regulations.
- 168 Sale of fruit-bearing trees and grapevines; labels; damages.
- 169 Delegation of powers and immunities in regard to Dutch elm disease in municipalities.

Regulations:

- 1 NYCRR Chapter II Animal and Industry
 - Subchapter A Diseases of Domestic Animals
- 1 NYCRR Chapter III Plant Industry
 - Subchapter A Inspection and Sale of Seeds
 - Subchapter C Prevention and Control of Disease in Trees and Plants; Insect Pests; Sale of Fruit-Bearing Trees

Soil and Water Conservation Districts:

Section 9 subdivision 16 Prevention and control of prohibited and regulated invasive species.

Department of Health:

- NY Public Health Law Article 32 Live Pathogenic Microorganisms or Viruses
 - 3200 Handling; registration required; exceptions.
 - 3201 Sale or other disposal; permission required.
 - 3202 Sale or other disposal; labeling containers.
 - 3202 Violations; penalties.

Regulations:

- 10 NYCRR Chapter II Administrative Rules and Regulations
 - Subchapter E Food and Drug Products; Research
 - Subpart 61-1 Recombinant DNA Research and Activities