

4522--A

2011-2012 Regular Sessions

I N S E N A T E

April 8, 2011

Introduced by Sens. GRISANTI, DeFRANCISCO, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to exempting minimum risk pesticides from pesticide applicator certification requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 33-0101 of the environmental conservation law is
2 amended by adding a new subdivision 50 to read as follows:
3 50. "MINIMUM RISK PESTICIDE" SHALL MEAN ANY PESTICIDE DEFINED AS A
4 MINIMUM RISK PESTICIDE BY THE UNITED STATES ENVIRONMENTAL PROTECTION
5 AGENCY PURSUANT TO SECTION 25(B) OF THE FEDERAL INSECTICIDE, FUNGICIDE,
6 AND RODENTICIDE ACT, PUBLIC LAW 92-516, AS AMENDED.
7 S 2. Section 33-0701 of the environmental conservation law, as
8 amended by chapter 612 of the laws of 1983, is amended to read as
9 follows:
10 S 33-0701. Scope of registration.
11 Every pesticide which is used, distributed, sold, or offered for sale
12 within this state or delivered for transportation or transported in
13 intrastate commerce or between points within this state through any
14 point outside this state, OTHER THAN A MINIMUM RISK PESTICIDE, shall be
15 registered every two years with the office of the commissioner; provided
16 that any pesticide imported into this state, which is registered under
17 the provisions of any federal act providing for the registration of
18 pesticides may, in the discretion of the commissioner, be exempted from
19 registration under this article, when sold or distributed in the unbro-
20 ken immediate container in which it was originally shipped.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 3. Subdivision 2 of section 33-0905 of the environmental conserva-
2 tion law, as amended by chapter 612 of the laws of 1983, is amended to
3 read as follows:

4 2. The provisions of this article relating to registration and certif-
5 ication shall not apply to:

6 a. residential application of pesticides as defined in this article;
7 or

8 b. private application of a general use pesticide as defined in this
9 article; OR

10 C. APPLICATION OF ANY MINIMUM RISK PESTICIDE, AS DEFINED IN THIS ARTI-
11 CLE, BY ANY PERSON, UNLESS SUCH PERSON APPLIES MINIMUM RISK PESTICIDES
12 AS PART OF A PESTICIDE BUSINESS.

13 S 4. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law. Effective immediately, the addition, amend-
15 ment and/or repeal of any rule or regulations necessary for the imple-
16 mentation of this act on its effective date is authorized to be made on
17 or before such effective date.