

1603

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to reporting requirements for commercial pesticide applicators

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

1 Section 1. Section 33-1205 of the environmental conservation law, as
2 added by chapter 279 of the laws of 1996, the closing paragraph of para-
3 graph a of subdivision 2 as amended by chapter 260 of the laws of 1997,
4 is amended to read as follows:
5 S 33-1205. Recordkeeping and reporting.
6 1. All commercial applicators shall maintain pesticide use records for
7 each pesticide application containing the following:
8 a. EPA registration number;
9 b. product name;
10 c. quantity of each pesticide used;
11 d. [date applied;
12 e. location of application by address (including five-digit zip code)]
13 COUNTY AND FIVE-DIGIT ZIP CODE.
14 Such records shall be maintained for a period of not less than three
15 years. All commercial applicators shall file, at least annually, a
16 report or reports containing such information with the department on
17 computer diskette or in printed form on or before February first for the
18 prior calendar year. All commercial applicators shall also maintain
19 corresponding records of the dosage rates, methods of application and
20 target organisms for each pesticide application. These records shall be
21 maintained on an annual basis and retained for a period of not less than
22 three years and shall be available for inspection upon request by the
23 department.

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

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1 2. a. Every person who sells or offers for sale restricted use pesti-
2 cides to private applicators shall issue a record to the private appli-
3 cator of each sale of a restricted use pesticide or a general use pesti-
4 cide used in agricultural crop production to such applicator. Such
5 record of each sale shall include the following:
6 1. EPA registration number;
7 2. product name of the pesticide purchased;
8 3. quantity of the pesticide purchased;
9 4. [date purchased;
10 5. location] COUNTY AND FIVE-DIGIT ZIP CODE of intended application
11 [by address (including five-digit zip code) or if address is unavailable
12 by town or city (including five-digit zip code) if the location of
13 intended application differs from the billing address that appears on
14 the record].
15 Every person who sells or offers for sale restricted use pesticides to
16 private applicators shall file, at least annually, a report or reports
17 containing such information with the department on computer diskette or
18 in printed form on or before February first for the prior calendar year.
19 The department shall not use the reports filed pursuant to this para-
20 graph for enforcement purposes.
21 b. All private applicators shall maintain, at a minimum, records of
22 the restricted pesticides purchased, crop treated by such, method of
23 application, and date of application or applications. This information
24 shall be maintained on an annual basis and retained for a minimum of
25 three years, and shall be available for inspection upon request by the
26 department.
27 c. A private applicator shall, upon request, within six months,
28 provide site-specific information relating to pesticide applications to
29 any researcher entitled to receive information pursuant to paragraph (d)
30 of subdivision one of section twenty-four hundred eleven of the public
31 health law, provided, however, such request shall not be granted during
32 planting and harvesting unless at a time and in a manner that is mutual-
33 ly convenient.
34 S 2. This act shall take effect immediately.