S T A T E O F N E W Y O R K

2662

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT, LATIMER -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COLTON, COOK, EDDINGTON, HOOPER, MAYERSOHN, ORTIZ, PERRY, PHEFFER, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to local government authority to regulate pesticide use and notification requirements

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

Section 1. Section 33-0101 of the environmental conservation law is amended by adding a new subdivision 50 to read as follows:

50. "PESTICIDE USE" MEANS MIXING, LOADING, HANDLING, APPLYING, TRANSPORTING, DISPOSING AND STORING OF PESTICIDES, AND CLEANING AND DISPOSAL OF PESTICIDE CONTAINERS.

S 2. Subdivision 1 of section 33-0303 of the environmental conservation law is amended to read as follows:

1. Jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides, is by this article vested exclusively in the commissioner, EXCEPT THAT LOCAL GOVERNMENTS MAY REGULATE PESTICIDE USE AND NOTIFICATION OF PESTICIDE APPLICATIONS MORE RESTRICTIVELY THAN THE COMMISSIONER.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.

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

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