

4247

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. BRODSKY, DINOWITZ -- Multi-Sponsored by -- M. of
A. BOYLAND, GALEF, GLICK -- read once and referred to the Committee on
Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to local
authority to enact pesticide ordinance

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

1 Section 1. Subdivision 1 of section 33-0303 of the environmental
2 conservation law is amended to read as follows:
3 1. Jurisdiction in all matters pertaining to the distribution, sale,
4 use, and transportation of pesticides[,] is, by this article, vested
5 [exclusively] in the commissioner; PROVIDED, HOWEVER, THAT ANY MUNICI-
6 PALITY MAY ADOPT LOCAL LAWS, ORDINANCES, OR REGULATIONS CONCERNING THE
7 USE OF PESTICIDES AND NOTIFICATION RELATING TO THE USE OF PESTICIDES
8 THAT ARE NOT INCONSISTENT WITH THIS ARTICLE OR WITH ANY RULE OR REGU-
9 LATION PROMULGATED PURSUANT TO THIS ARTICLE; AND PROVIDED FURTHER THAT
10 SUCH LOCAL LAWS, ORDINANCES, OR REGULATIONS ARE NO LESS STRINGENT THAN
11 ANY STATE LAW, RULE, OR REGULATION. SUCH LOCAL LAWS, ORDINANCES, OR
12 REGULATIONS SHALL NOT (A) PROVIDE FOR THE ISSUANCE OF PERMITS FOR THE
13 DISTRIBUTION, SALE, PURCHASE, OR USE OF RESTRICTED USE PESTICIDES; (B)
14 PROVIDE FOR CERTIFICATION OR LICENSING OF PRIVATE OR COMMERCIAL PESTI-
15 CIDE APPLICATIONS AS DEFINED IN SECTION 33-0101 OF THIS ARTICLE; OR (C)
16 IMPOSE PESTICIDE REGISTRATION REQUIREMENTS ON MANUFACTURERS OR DISTRIBUTU-
17 TORS OF PESTICIDES. SUCH LOCAL LAWS, ORDINANCES, OR REGULATIONS SHALL
18 NOT BE DEEMED INCONSISTENT WITH THIS ARTICLE OR WITH THE RULES AND REGU-
19 LATIONS PROMULGATED PURSUANT TO THIS ARTICLE MERELY BECAUSE THEY ARE
20 MORE STRINGENT.
21 S 2. This act shall take effect immediately.

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

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