

LBD11051-01-9

1 CONFIDENTIALITY, BETWEEN THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE
2 AND MARKETS, ANY COMPANY WITH WHICH THE DEPARTMENT HAS CONTRACTED TO
3 PROVIDE COLLECTION AND DISPOSAL SERVICES, PUBLIC AND PRIVATE AGENCIES
4 AND FARMERS;
5 2. TO CONTRACT WITH HAZARDOUS WASTE COLLECTION COMPANIES, PESTICIDE
6 COLLECTION COMPANIES OR OTHER QUALIFIED COMPANIES TO PROVIDE COLLECTION
7 AND DISPOSAL SERVICES;
8 3. TO PROVIDE OVERSIGHT OF ANY COMPANY WITH WHICH THE DEPARTMENT HAS
9 CONTRACTED TO PROVIDE COLLECTION AND DISPOSAL SERVICES;
10 4. TO PROVIDE A PESTICIDE CONTAINER RECYCLING PROGRAM FOR CONTAINERS
11 OF COLLECTED PESTICIDES AND FERTILIZERS CONTAINING PESTICIDES;
12 5. TO PROVIDE SCHEDULING FOR EACH COUNTY OF THE STATE FOR THE
13 COLLECTION AND DISPOSAL OF AGRICHEMICALS AND PESTICIDES AND FERTILIZERS
14 CONTAINING PESTICIDES;
15 6. TO GRANT ANY WAIVERS NECESSARY UNDER THE STANDARDS FOR UNIVERSAL
16 WASTE FOR COLLECTION AND TRANSPORTATION OF PESTICIDES AND FERTILIZERS
17 CONTAINING PESTICIDES;
18 7. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
19 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
20 ADMINISTRATION, SCHEDULING AND EFFORTS TO ENSURE PARTICIPATION AND
21 CONFIDENTIALITY OF SUCH PROGRAM; AND
22 8. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
23 TATION OF THIS TITLE.
24 S 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
25 MARKETS.
26 THE DEPARTMENT OF AGRICULTURE AND MARKETS, IN ADDITION TO ANY OTHER
27 POWERS GRANTED AND DUTIES REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL
28 HAVE THE FOLLOWING POWERS AND DUTIES WITH RESPECT TO THE FARM PESTICIDE
29 COLLECTION PROGRAM:
30 1. TO CONDUCT OUTREACH, EDUCATION AND PUBLICITY REGARDING SUCH PROGRAM
31 WITHIN EACH COUNTY OF THE STATE TO INCREASE AWARENESS OF SUCH PROGRAM;
32 2. TO ENCOURAGE FARMERS TO PARTICIPATE IN SUCH PROGRAM;
33 3. TO DEVELOP AND IMPLEMENT, WITH A FOCUS ON CONFIDENTIALITY, NOTIFI-
34 CATION AND PRE-REGISTRATION PROCEDURES FOR SUCH PROGRAM IN ORDER TO
35 FACILITATE PARTICIPATION IN SUCH PROGRAM;
36 4. TO APPOINT LOCAL AGENTS TO INVENTORY, WITH A FOCUS ON CONFIDENTIAL-
37 ITY, PESTICIDES, FERTILIZERS CONTAINING PESTICIDES, AND PESTICIDE
38 CONTAINERS AT PARTICIPATING FARMS PRIOR TO THEIR COLLECTION AND
39 DISPOSAL;
40 5. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
41 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
42 OUTREACH, EDUCATION, PUBLICITY AND EFFORTS TO ENSURE PARTICIPATION AND
43 CONFIDENTIALITY OF SUCH PROGRAM; AND
44 6. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
45 TATION OF THIS TITLE.
46 S 2. Section 33-0304 of the environmental conservation law, as amended
47 by section 4 of part YY of chapter 59 of the laws of 2009, is amended to
48 read as follows:
49 S 33-0304. Fees.
50 [All] EXCEPT AS PROVIDED IN SECTION 33-0705 OF THIS ARTICLE, ALL fees
51 collected pursuant to this article shall be deposited into the environ-
52 mental conservation special revenue fund to the credit of the environ-
53 mental regulatory account; provided, however, that the first five
54 million dollars collected pursuant to this article shall be deposited
55 into the environmental protection fund established pursuant to section
56 ninety-two-s of the state finance law.

S 3. Section 33-0705 of the environmental conservation law, as amended by section 2 of part FF of chapter 59 of the laws of 2008, subdivisions a and b as amended by section 5 of part YY of chapter 59 of the laws of 2009, is amended to read as follows:

S 33-0705. Fee for registration.

The applicant for registration shall pay a fee as follows:

a. On or before July 1, 2011, six hundred FIFTY dollars for each pesticide proposed to be registered, provided that the applicant has submitted to the department proof in the form of a federal income tax return for the previous year showing gross annual sales, for federal income tax purposes, of three million five hundred thousand dollars or less;

b. On or before July 1, 2011, for all others, six hundred [twenty] SEVENTY dollars for each pesticide proposed to be registered;

c. After July 1, 2011, [fifty] ONE HUNDRED dollars for each pesticide proposed to be registered.

FIFTY DOLLARS OF EACH REGISTRATION FEE PAID PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO THE FARM PESTICIDE COLLECTION PROGRAM FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-T OF THE STATE FINANCE LAW FOR THE PURPOSE OF ADMINISTERING THE FARM PESTICIDE COLLECTION PROGRAM ESTABLISHED PURSUANT TO TITLE EIGHT OF THIS ARTICLE.

S 4. Section 16 of the agriculture and markets law is amended by adding a new subdivision 44 to read as follows:

44. JOINTLY DEVELOP, IMPLEMENT AND OPERATE A FARM PESTICIDE COLLECTION PROGRAM WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

S 5. The state finance law is amended by adding a new section 99-t to read as follows:

S 99-T. FARM PESTICIDE COLLECTION PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "FARM PESTICIDE COLLECTION PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION 33-0705 OF THE ENVIRONMENTAL CONSERVATION LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF SUCH FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER.

4. MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE ADMINISTRATION OF THE FARM PESTICIDE COLLECTION PROGRAM ESTABLISHED PURSUANT TO TITLE EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

5. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such effective date.