

1112

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, the agriculture and
markets law and the state finance law, in relation to establishing a
farm pesticide collection program

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

1 Section 1. Article 33 of the environmental conservation law is amended
2 by adding a new title 8 to read as follows:

3 TITLE 8

4 FARM PESTICIDE COLLECTION PROGRAM

5 SECTION 33-0801. FARM PESTICIDE COLLECTION PROGRAM.

6 33-0803. POWERS AND DUTIES OF THE DEPARTMENT.

7 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
8 MARKETS.

9 S 33-0801. FARM PESTICIDE COLLECTION PROGRAM.

10 THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE AND MARKETS ARE HERE-
11 BY AUTHORIZED AND DIRECTED TO JOINTLY DEVELOP, IMPLEMENT AND OPERATE A
12 FARM PESTICIDE COLLECTION PROGRAM. SUCH PROGRAM SHALL BE MADE AVAILABLE
13 FOR UTILIZATION BY OWNERS AND RESIDENTS OF FARMS, BOTH ACTIVE AND INAC-
14 TIVE, LOCATED WITHIN THIS STATE, FOR THE COLLECTION AND DISPOSAL OF
15 PESTICIDES, FERTILIZERS CONTAINING PESTICIDES AND RECYCLING OF PESTICIDE
16 CONTAINERS FROM SUCH FARMS. NO OWNER OR RESIDENT OF A FARM SHALL BE
17 REQUIRED TO PAY A FEE OR CHARGE FOR THE COLLECTION AND DISPOSAL OF
18 PESTICIDES PURSUANT TO SUCH PROGRAM.

19 S 33-0803. POWERS AND DUTIES OF THE DEPARTMENT.

20 THE DEPARTMENT, IN ADDITION TO ANY OTHER POWERS GRANTED AND DUTIES
21 REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL HAVE THE FOLLOWING POWERS
22 AND DUTIES WITH RESPECT TO THE FARM PESTICIDE COLLECTION PROGRAM:

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

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1 1. TO DESIGNATE CERTAIN STAFF TO ADMINISTER THE PROGRAM, INCLUDING A
2 PROGRAM ADMINISTRATOR, TO COORDINATE SUCH PROGRAM, WITH A FOCUS ON
3 CONFIDENTIALITY, BETWEEN THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE
4 AND MARKETS, ANY COMPANY WITH WHICH THE DEPARTMENT HAS CONTRACTED TO
5 PROVIDE COLLECTION AND DISPOSAL SERVICES, PUBLIC AND PRIVATE AGENCIES
6 AND FARMERS;

7 2. TO CONTRACT WITH HAZARDOUS WASTE COLLECTION COMPANIES, PESTICIDE
8 COLLECTION COMPANIES OR OTHER QUALIFIED COMPANIES TO PROVIDE COLLECTION
9 AND DISPOSAL SERVICES;

10 3. TO PROVIDE OVERSIGHT OF ANY COMPANY WITH WHICH THE DEPARTMENT HAS
11 CONTRACTED TO PROVIDE COLLECTION AND DISPOSAL SERVICES;

12 4. TO PROVIDE A PESTICIDE CONTAINER RECYCLING PROGRAM FOR CONTAINERS
13 OF COLLECTED PESTICIDES AND FERTILIZERS CONTAINING PESTICIDES;

14 5. TO PROVIDE SCHEDULING FOR EACH COUNTY OF THE STATE FOR THE
15 COLLECTION AND DISPOSAL OF AGRICHEMICALS AND PESTICIDES AND FERTILIZERS
16 CONTAINING PESTICIDES;

17 6. TO GRANT ANY WAIVERS NECESSARY UNDER THE STANDARDS FOR UNIVERSAL
18 WASTE FOR COLLECTION AND TRANSPORTATION OF PESTICIDES AND FERTILIZERS
19 CONTAINING PESTICIDES;

20 7. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
21 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
22 ADMINISTRATION, SCHEDULING AND EFFORTS TO ENSURE PARTICIPATION AND
23 CONFIDENTIALITY OF SUCH PROGRAM; AND

24 8. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
25 TATION OF THIS TITLE.

26 S 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
27 MARKETS.

28 THE DEPARTMENT OF AGRICULTURE AND MARKETS, IN ADDITION TO ANY OTHER
29 POWERS GRANTED AND DUTIES REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL
30 HAVE THE FOLLOWING POWERS AND DUTIES WITH RESPECT TO THE FARM PESTICIDE
31 COLLECTION PROGRAM:

32 1. TO CONDUCT OUTREACH, EDUCATION AND PUBLICITY REGARDING SUCH PROGRAM
33 WITHIN EACH COUNTY OF THE STATE TO INCREASE AWARENESS OF SUCH PROGRAM;

34 2. TO ENCOURAGE FARMERS TO PARTICIPATE IN SUCH PROGRAM;

35 3. TO DEVELOP AND IMPLEMENT, WITH A FOCUS ON CONFIDENTIALITY, NOTIFI-
36 CATION AND PRE-REGISTRATION PROCEDURES FOR SUCH PROGRAM IN ORDER TO
37 FACILITATE PARTICIPATION IN SUCH PROGRAM;

38 4. TO APPOINT LOCAL AGENTS TO INVENTORY, WITH A FOCUS ON CONFIDENTIAL-
39 ITY, PESTICIDES, FERTILIZERS CONTAINING PESTICIDES, AND PESTICIDE
40 CONTAINERS AT PARTICIPATING FARMS PRIOR TO THEIR COLLECTION AND
41 DISPOSAL;

42 5. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
43 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
44 OUTREACH, EDUCATION, PUBLICITY AND EFFORTS TO ENSURE PARTICIPATION AND
45 CONFIDENTIALITY OF SUCH PROGRAM; AND

46 6. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
47 TATION OF THIS TITLE.

48 S 2. Section 33-0304 of the environmental conservation law, as amended
49 by chapter 60 of the laws of 1993, is amended to read as follows:

50 S 33-0304. Fees.

51 [All] EXCEPT AS PROVIDED IN SECTION 33-0705 OF THIS ARTICLE, ALL fees
52 collected pursuant to this article shall be deposited into the environ-
53 mental conservation special revenue fund to the credit of the environ-
54 mental regulatory account.

1 S 3. Section 33-0705 of the environmental conservation law, as amended
2 by section 2 of part FF of chapter 59 of the laws of 2008, is amended to
3 read as follows:

4 S 33-0705. Fee for registration.

5 The applicant for registration shall pay a fee as follows:

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

12 b. On or before July 1, 2011, for all others, three hundred [ten]
13 SIXTY dollars for each pesticide proposed to be registered;

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

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

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

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

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

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

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

38 3. MONEYS OF SUCH FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMUN-
39 GLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXA-
40 TION AND FINANCE AND THE COMPTROLLER.

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

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

47 S 6. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law; provided, however, that effective immediate-
49 ly, the addition, amendment and/or repeal of any rule or regulation
50 necessary for the implementation of this act on its effective date is
51 authorized and directed to be made and completed on or before such
52 effective date.