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

3867

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing commercial sod products pesticide information requirements

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

Section 1. The agriculture and markets law is amended by adding a new article 11-B to read as follows:

ARTICLE 11-B

COMMERCIAL SOD PRODUCTS PESTICIDE INFORMATION REQUIREMENTS

SECTION 151-P. DEFINITIONS.
151-Q. PURPOSE.
151-R. COMMERCIAL SOD PRODUCTS PESTICIDE INFORMATION REQUIREMENTS.
151-S. PENALTIES.

S 151-P. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. "COMMERCIAL SOD PRODUCTS" SHALL MEAN SURFACE EARTH CONTAINING GRASS AND ITS MATTED ROOTS, OTHERWISE CALLED TURF, WHICH IS OFFERED FOR WHOLESALE OR RETAIL SALE.

2. "PESTICIDES" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION THIRTY-FIVE OF SECTION 33-0101 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 151-Q. PURPOSE. THE PURPOSE OF THIS ARTICLE IS TO ENSURE THAT PURCHASERS OF COMMERCIAL SOD PRODUCTS RECEIVE INFORMATION REGARDING PESTICIDES WHICH HAVE BEEN APPLIED TO SUCH PRODUCTS.

S 151-R. COMMERCIAL SOD PRODUCTS PESTICIDE INFORMATION REQUIREMENTS. 1. EVERY PERSON WHO GROWS COMMERCIAL SOD PRODUCTS SHALL BE REQUIRED TO PROVIDE INFORMATION ON ALL PESTICIDES WHICH WERE APPLIED TO THE SOIL IN WHICH COMMERCIAL SOD PRODUCTS WERE GROWN OR WHICH WERE APPLIED TO THE COMMERCIAL SOD PRODUCTS DIRECTLY, TO ALL PURCHASERS OF SUCH PRODUCTS.

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

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2. EVERY PERSON WHO SELLS COMMERCIAL SOD PRODUCTS OR WHO INSTALLS COMMERCIAL SOD PRODUCTS SHALL BE REQUIRED TO PROVIDE INFORMATION ON ALL PESTICIDES WHICH WERE APPLIED TO THE SOIL IN WHICH COMMERCIAL SOD PRODUCTS WERE GROWN OR WHICH WERE APPLIED TO THE COMMERCIAL SOD PRODUCTS DIRECTLY, AS PROVIDED BY THE GROWER ON A FORM APPROVED BY THE DEPARTMENT WHICH IS CONSISTENT WITH THE PESTICIDE USE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, TO ALL PURCHASERS OF SUCH PRODUCTS OR SERVICES.

3. THE INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING:

A. THE PESTICIDE PRODUCT NAME AND THE CHEMICAL NAME OF EACH PESTICIDE PRODUCT APPLIED;

B. THE TOXICITY CATEGORY OF EACH PESTICIDE PRODUCT APPLIED; AND

C. ANY LABEL WARNINGS RELATING TO CONTACT BY HUMANS AND ANIMALS, AND ANY LIST OF RELEVANT ENVIRONMENTAL HAZARD WARNINGS FOR EACH PESTICIDE.

S 151-S. PENALTIES. ANY PERSON WHO FAILS TO PROVIDE THE INFORMATION REQUIRED IN THIS ARTICLE SHALL BE SUBJECT TO THE PENALTIES CONTAINED IN SECTION THIRTY-NINE OF THIS CHAPTER.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.