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I N S E N A T E

March 19, 2012

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the regulation of pesticides; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Titles 5, 7, 9, 9-A, 10, 11, 12, 13 and 15 of article 33 of
2 the environmental conservation law are REPEALED.
3 S 2. Section 33-0101 of the environmental conservation law is REPEALED
4 and a new section 33-0101 is added to read as follows:
5 S 33-0101. DEFINITIONS.
6 1. "PESTICIDE" MEANS:
7 A. ANY SUBSTANCE OR MIXTURE OR SUBSTANCES INTENDED FOR PREVENTING,
8 DESTROYING, REPELLING, OR MITIGATING ANY PEST; AND
9 B. ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT
10 REGULATOR, DEFOLIANT OR DESICCANT.
11 2. "DESICCANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
12 FOR ARTIFICIALLY ACCELERATING THE DRYING OF PLANT TISSUE.
13 3. "FUNGICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
14 FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY FUNGI.
15 4. "RODENTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
16 FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING RODENTS OR ANY
17 OTHER VERTEBRATE ANIMALS WHICH THE COMMISSIONER SHALL DECLARE TO BE A
18 PEST.
19 5. "DEFOLIANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
20 FOR CAUSING THE LEAVES OR FOLIAGE TO DROP FROM A PLANT, WITH OR WITHOUT
21 CAUSING ABSCISSION.
22 6. "HERBICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
23 FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY WEED.
24 7. "INSECTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
25 FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY INSECTS WHICH
26 MAY BE PRESENT IN ANY ENVIRONMENT WHATSOEVER, EXCEPT THOSE ON OR IN
27 LIVING MAN.

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

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1 S 3. Section 33-0103 of the environmental conservation law is
2 REPEALED.

3 S 4. Sections 33-0303, 33-0304 and 33-0305 of the environmental
4 conservation law are REPEALED and section 33-0301 is amended to read as
5 follows:

6 S 33-0301. Declaration of policy and purposes.

7 [The purpose of this article is to regulate the registration, commer-
8 cial use, purchase and custom application of pesticides.] Pesticides,
9 properly used for the control of insects, fungi, weeds, and nematodes,
10 and as defoliants, desiccants, and plant regulators and for related
11 purposes, are valuable, important and necessary to the welfare, health,
12 economic well-being and productive and industrial capabilities of the
13 people of this state. However, such materials, if improperly used, may
14 injure health, property and wildlife. [It is hereby declared to be a
15 matter of legislative determination that the regulation of the registra-
16 tion, commercial use, purchase and custom application of pesticides is
17 needed in the public interest and that in the exercise of the police
18 power all persons be required to register or obtain permits before
19 engaging in such activities.]

20 THE REGULATION OF PESTICIDES, DEFOLIANTS, DESICCANTS, FUNGICIDES,
21 HERBICIDES, INSECTICIDES, AND RODENTICIDES IN THE STATE SHALL CONFORM TO
22 THE LAWS, STANDARDS, AND REGULATIONS OF THE UNITED STATES ENVIRONMENTAL
23 PROTECTION AGENCY AND THE STATE SHALL BE BOUND BY DECISIONS AND
24 APPROVALS ISSUED THEREBY.

25 S 5. This act shall take effect on the one hundred twentieth day after
26 it shall have become a law, provided, however, that effective immediate-
27 ly, the addition, amendment and/or repeal of any rule or regulation
28 necessary for the implementation of this act on its effective date are
29 authorized and directed to be made and completed on or before such date.