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

5006

2013-2014 Regular Sessions

I N A S S E M B L Y

February 14, 2013

Introduced by M. of A. OTIS -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 33-0303 of the environmental conservation law is amended to read as follows:

1. Jurisdiction in all matters pertaining to the distribution, sale, use, and transportation of pesticides[,] is, by this article, vested [exclusively] in the commissioner; PROVIDED, HOWEVER, THAT ANY MUNICIPALITY MAY ADOPT LOCAL LAWS, ORDINANCES, OR REGULATIONS CONCERNING THE USE OF PESTICIDES AND NOTIFICATION RELATING TO THE USE OF PESTICIDES THAT ARE NOT INCONSISTENT WITH THIS ARTICLE OR WITH ANY RULE OR REGULATION PROMULGATED PURSUANT TO THIS ARTICLE; AND PROVIDED FURTHER THAT SUCH LOCAL LAWS, ORDINANCES, OR REGULATIONS ARE NO LESS STRINGENT THAN ANY STATE LAW, RULE, OR REGULATION. SUCH LOCAL LAWS, ORDINANCES, OR REGULATIONS SHALL NOT (A) PROVIDE FOR THE ISSUANCE OF PERMITS FOR THE DISTRIBUTION, SALE, PURCHASE, OR USE OF RESTRICTED USE PESTICIDES; (B) PROVIDE FOR CERTIFICATION OR LICENSING OF PRIVATE OR COMMERCIAL PESTICIDE APPLICATIONS AS DEFINED IN SECTION 33-0101 OF THIS ARTICLE; OR (C) IMPOSE PESTICIDE REGISTRATION REQUIREMENTS ON MANUFACTURERS OR DISTRIBUTORS OF PESTICIDES. SUCH LOCAL LAWS, ORDINANCES, OR REGULATIONS SHALL NOT BE DEEMED INCONSISTENT WITH THIS ARTICLE OR WITH THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE MERELY BECAUSE THEY ARE MORE STRINGENT.

S 2. This act shall take effect immediately.

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

LBD08574-01-3