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

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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:

Section 1. Titles 5, 7, 9, 9-A, 10, 11, 12, 13 and 15 of article 33 of the environmental conservation law are REPEALED.

S 2. Section 33-0101 of the environmental conservation law is REPEALED and a new section 33-0101 is added to read as follows:

S 33-0101. DEFINITIONS.

1. "PESTICIDE" MEANS:

A. ANY SUBSTANCE OR MIXTURE OR SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY PEST; AND

B. ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT OR DESICCANT.

2. "DESICCANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR ARTIFICIALLY ACCELERATING THE DRYING OF PLANT TISSUE.

3. "FUNGICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY FUNGI.

4. "RODENTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING RODENTS OR ANY OTHER VERTEBRATE ANIMALS WHICH THE COMMISSIONER SHALL DECLARE TO BE A PEST.

5. "DEFOLIANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR CAUSING THE LEAVES OR FOLIAGE TO DROP FROM A PLANT, WITH OR WITHOUT CAUSING ABSCISSION.

6. "HERBICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY WEED.

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

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7. "INSECTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING ANY INSECTS WHICH MAY BE PRESENT IN ANY ENVIRONMENT WHATSOEVER, EXCEPT THOSE ON OR IN LIVING MAN.

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 Section 33-0103 of the environmental conservation law is REPEALED.

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 Sections 33-0303, 33-0304 and 33-0305 of the environmental conservation law are REPEALED and section 33-0301 is amended to read as follows:

S 33-0301. Declaration of policy and purposes.

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

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

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