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

1603

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- 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 reporting requirements for commercial pesticide applicators

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

Section 1. Section 33-1205 of the environmental conservation law, as added by chapter 279 of the laws of 1996, the closing paragraph of paragraph a of subdivision 2 as amended by chapter 260 of the laws of 1997, is amended to read as follows:

S 33-1205. Recordkeeping and reporting.

1. All commercial applicators shall maintain pesticide use records for each pesticide application containing the following:

a. EPA registration number;

b. product name;

c. quantity of each pesticide used;

d. [date applied;

e. location of application by address (including five-digit zip code)] COUNTY AND FIVE-DIGIT ZIP CODE.

Such records shall be maintained for a period of not less than three years. All commercial applicators shall file, at least annually, a report or reports containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year. All commercial applicators shall also maintain corresponding records of the dosage rates, methods of application and target organisms for each pesticide application. These records shall be maintained on an annual basis and retained for a period of not less than three years and shall be available for inspection upon request by the department.

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

LBD04646-01-3

2. a. Every person who sells or offers for sale restricted use pesticides to private applicators shall issue a record to the private applicator of each sale of a restricted use pesticide or a general use pesticide used in agricultural crop production to such applicator. Such record of each sale shall include the following:

1. EPA registration number;

2. product name of the pesticide purchased;

3. quantity of the pesticide purchased;

4. [date purchased;

5. location] COUNTY AND FIVE-DIGIT ZIP CODE of intended application [by address (including five-digit zip code) or if address is unavailable by town or city (including five-digit zip code) if the location of intended application differs from the billing address that appears on the record].

Every person who sells or offers for sale restricted use pesticides to private applicators shall file, at least annually, a report or reports containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year. The department shall not use the reports filed pursuant to this paragraph for enforcement purposes.

b. All private applicators shall maintain, at a minimum, records of the restricted pesticides purchased, crop treated by such, method of application, and date of application or applications. This information shall be maintained on an annual basis and retained for a minimum of three years, and shall be available for inspection upon request by the department.

c. A private applicator shall, upon request, within six months, provide site-specific information relating to pesticide applications to any researcher entitled to receive information pursuant to paragraph (d) of subdivision one of section twenty-four hundred eleven of the public health law, provided, however, such request shall not be granted during planting and harvesting unless at a time and in a manner that is mutually convenient.

S 2. This act shall take effect immediately.