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

3431--A

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sens. KRUEGER, HASSELL-THOMPSON, PARKER, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to compilation of data on pesticides

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

Section 1. Subdivision 2 of section 33-1201 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

2. The commissioner shall prepare an annual report summarizing pesticide sales, quantity of pesticides used, category of applicator and region of application. PESTICIDE DATA SHALL BE COMPILED AND REPORTED BY BOTH PRODUCT NAME AND BY ACTIVE INGREDIENT. The commissioner shall not provide the name, address, or any other information which would otherwise identify a commercial or private applicator, or any person who sells or offers for sale restricted use or general use pesticides to a private applicator, or any person who received the services of a commercial applicator. In accordance with article six of the public officers law, proprietary information contained within such record, including price charged per product, shall not be disclosed. The report shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly, and shall be made available to all interested parties. The first report shall be submitted on July first, nineteen hundred ninety-eight and on [July first] NOVEMBER THIRTIETH annually thereafter.

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

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S 2. Paragraph a of subdivision 1 of section 33-1203 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

a. The commissioner shall, upon written request of an interested party, in printed form or on a diskette in computerized data base format, provide the information on pesticides submitted to the department pursuant to sections 33-1205 and 33-1207 of this title. Such information shall be provided by county or counties, or five-digit zip code or codes as selected by the interested party making the written request. PESTICIDE DATA SHALL BE PROVIDED BY BOTH PRODUCT NAME AND ACTIVE INGREDIENT. The commissioner shall not provide the name, address, or any other information which would otherwise identify a commercial or private applicator, or any person who sells or offers for sale restricted use or general use pesticides to a private applicator, or any person who received the services of a commercial applicator. In accordance with article six of the public officers law, proprietary information contained within such record, including price charged per product, shall not be disclosed. The provisions of this paragraph shall not apply to the provision of pesticide data to the commissioner of health, the health research science board and researchers pursuant to title one-B of article twenty-four of the public health law.

S 3. The second undesignated paragraph of subdivision 1 of section 33-1205 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

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] IN AN ELECTRONIC FORMAT DEVELOPED BY THE DEPARTMENT CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON SCANNABLE FORMS DEVELOPED BY THE DEPARTMENT 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.

S 4. The closing paragraph of paragraph a of subdivision 2 of section 33-1205 of the environmental conservation law, as amended by chapter 260 of the laws of 1997, is amended to read as follows:

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] IN AN ELECTRONIC FORMAT DEVELOPED BY THE DEPARTMENT CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON SCANNABLE FORMS DEVELOPED BY THE DEPARTMENT 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.

S 5. Subdivision 2 of section 33-1207 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

2. Such records shall be maintained for a period of not less than three years. All manufacturers and importers shall file an annual report containing such information with the department [on computer diskette or in printed form] IN AN ELECTRONIC FORMAT DEVELOPED BY THE DEPARTMENT CONSISTENT WITH SYSTEM FILE SPECIFICATIONS OR ON SCANNABLE

FORMS DEVELOPED BY THE DEPARTMENT on or before February first for the prior calendar year.

S 6. This act shall take effect on the one hundred eightieth 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 effective date.