

2183

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH, COLTON, COOK, GALEF, JAFFEE, STEVENSON
-- Multi-Sponsored by -- M. of A. CAHILL, CERETTO, CORWIN, CROUCH,
DUPREY, GOTTFRIED, HOOPER, MAGEE, MARKEY, McLAUGHLIN, SCHIMEL, THIELE,
WEISENBERG -- read once and referred to the Committee on Environmental
Conservation

AN ACT to amend the environmental conservation law, the agriculture and
markets law and the state finance law, in relation to establishing a
farm pesticide collection program

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

1 Section 1. Article 33 of the environmental conservation law is amended
2 by adding a new title 8 to read as follows:

3 TITLE 8

4 FARM PESTICIDE COLLECTION PROGRAM

5 SECTION 33-0801. FARM PESTICIDE COLLECTION PROGRAM.

6 33-0803. POWERS AND DUTIES OF THE DEPARTMENT.

7 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
8 MARKETS.

9 S 33-0801. FARM PESTICIDE COLLECTION PROGRAM.

10 THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE AND MARKETS ARE HERE-
11 BY AUTHORIZED AND DIRECTED TO JOINTLY DEVELOP, IMPLEMENT AND OPERATE A
12 FARM PESTICIDE COLLECTION PROGRAM. SUCH PROGRAM SHALL BE MADE AVAILABLE
13 FOR UTILIZATION BY OWNERS AND RESIDENTS OF FARMS, BOTH ACTIVE AND INAC-
14 TIVE, LOCATED WITHIN THIS STATE, FOR THE COLLECTION AND DISPOSAL OF
15 PESTICIDES, FERTILIZERS CONTAINING PESTICIDES AND RECYCLING OF PESTICIDE
16 CONTAINERS FROM SUCH FARMS. NO OWNER OR RESIDENT OF A FARM SHALL BE
17 REQUIRED TO PAY A FEE OR CHARGE FOR THE COLLECTION AND DISPOSAL OF
18 PESTICIDES PURSUANT TO SUCH PROGRAM.

19 S 33-0803. POWERS AND DUTIES OF THE DEPARTMENT.

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

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1 THE DEPARTMENT, IN ADDITION TO ANY OTHER POWERS GRANTED AND DUTIES
2 REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL HAVE THE FOLLOWING POWERS
3 AND DUTIES WITH RESPECT TO THE FARM PESTICIDE COLLECTION PROGRAM:

4 1. TO DESIGNATE CERTAIN STAFF TO ADMINISTER THE PROGRAM, INCLUDING A
5 PROGRAM ADMINISTRATOR, TO COORDINATE SUCH PROGRAM, WITH A FOCUS ON
6 CONFIDENTIALITY, BETWEEN THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE
7 AND MARKETS, ANY COMPANY WITH WHICH THE DEPARTMENT HAS CONTRACTED TO
8 PROVIDE COLLECTION AND DISPOSAL SERVICES, PUBLIC AND PRIVATE AGENCIES
9 AND FARMERS;

10 2. TO CONTRACT WITH HAZARDOUS WASTE COLLECTION COMPANIES, PESTICIDE
11 COLLECTION COMPANIES OR OTHER QUALIFIED COMPANIES TO PROVIDE COLLECTION
12 AND DISPOSAL SERVICES;

13 3. TO PROVIDE OVERSIGHT OF ANY COMPANY WITH WHICH THE DEPARTMENT HAS
14 CONTRACTED TO PROVIDE COLLECTION AND DISPOSAL SERVICES;

15 4. TO PROVIDE A PESTICIDE CONTAINER RECYCLING PROGRAM FOR CONTAINERS
16 OF COLLECTED PESTICIDES AND FERTILIZERS CONTAINING PESTICIDES;

17 5. TO PROVIDE SCHEDULING FOR EACH COUNTY OF THE STATE FOR THE
18 COLLECTION AND DISPOSAL OF AGRICHEMICALS AND PESTICIDES AND FERTILIZERS
19 CONTAINING PESTICIDES;

20 6. TO GRANT ANY WAIVERS NECESSARY UNDER THE STANDARDS FOR UNIVERSAL
21 WASTE FOR COLLECTION AND TRANSPORTATION OF PESTICIDES AND FERTILIZERS
22 CONTAINING PESTICIDES;

23 7. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
24 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
25 ADMINISTRATION, SCHEDULING AND EFFORTS TO ENSURE PARTICIPATION AND
26 CONFIDENTIALITY OF SUCH PROGRAM; AND

27 8. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
28 TATION OF THIS TITLE.

29 S 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
30 MARKETS.

31 THE DEPARTMENT OF AGRICULTURE AND MARKETS, IN ADDITION TO ANY OTHER
32 POWERS GRANTED AND DUTIES REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL
33 HAVE THE FOLLOWING POWERS AND DUTIES WITH RESPECT TO THE FARM PESTICIDE
34 COLLECTION PROGRAM:

35 1. TO CONDUCT OUTREACH, EDUCATION AND PUBLICITY REGARDING SUCH PROGRAM
36 WITHIN EACH COUNTY OF THE STATE TO INCREASE AWARENESS OF SUCH PROGRAM;

37 2. TO ENCOURAGE FARMERS TO PARTICIPATE IN SUCH PROGRAM;

38 3. TO DEVELOP AND IMPLEMENT, WITH A FOCUS ON CONFIDENTIALITY, NOTIFI-
39 CATION AND PRE-REGISTRATION PROCEDURES FOR SUCH PROGRAM IN ORDER TO
40 FACILITATE PARTICIPATION IN SUCH PROGRAM;

41 4. TO APPOINT LOCAL AGENTS TO INVENTORY, WITH A FOCUS ON CONFIDENTIAL-
42 ITY, PESTICIDES, FERTILIZERS CONTAINING PESTICIDES, AND PESTICIDE
43 CONTAINERS AT PARTICIPATING FARMS PRIOR TO THEIR COLLECTION AND
44 DISPOSAL;

45 5. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES,
46 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE
47 OUTREACH, EDUCATION, PUBLICITY AND EFFORTS TO ENSURE PARTICIPATION AND
48 CONFIDENTIALITY OF SUCH PROGRAM; AND

49 6. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-
50 TATION OF THIS TITLE.

51 S 2. Section 33-0304 of the environmental conservation law, as amended
52 by section 4 of part YY of chapter 59 of the laws of 2009, is amended to
53 read as follows:

54 S 33-0304. Fees.

55 [All] EXCEPT AS PROVIDED IN SECTION 33-0705 OF THIS ARTICLE, ALL fees
56 collected pursuant to this article shall be deposited into the environ-

1 mental conservation special revenue fund to the credit of the environ-
2 mental regulatory account; provided, however, that the first five
3 million dollars collected pursuant to this article shall be deposited
4 into the environmental protection fund established pursuant to section
5 ninety-two-s of the state finance law.

6 S 3. Section 33-0705 of the environmental conservation law, as amended
7 by section 2 of part S of chapter 60 of the laws of 2011, is amended to
8 read as follows:

9 S 33-0705. Fee for registration.

10 The applicant for registration shall pay a fee as follows:

11 a. On or before July 1, 2014, six hundred FIFTY dollars for each
12 pesticide proposed to be registered, provided that the applicant has
13 submitted to the department proof in the form of a federal income tax
14 return for the previous year showing gross annual sales, for federal
15 income tax purposes, of three million five hundred thousand dollars or
16 less;

17 b. On or before July 1, 2014, for all others, six hundred [twenty]
18 SEVENTY dollars for each pesticide proposed to be registered;

19 c. After July 1, 2014, [fifty] ONE HUNDRED dollars for each pesticide
20 proposed to be registered.

21 FIFTY DOLLARS OF EACH REGISTRATION FEE PAID PURSUANT TO THIS SECTION
22 SHALL BE DEPOSITED INTO THE FARM PESTICIDE COLLECTION PROGRAM FUND
23 ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW
24 FOR THE PURPOSE OF ADMINISTERING THE FARM PESTICIDE COLLECTION PROGRAM
25 ESTABLISHED PURSUANT TO TITLE EIGHT OF THIS ARTICLE.

26 S 4. Section 16 of the agriculture and markets law is amended by
27 adding a new subdivision 45 to read as follows:

28 45. JOINTLY DEVELOP, IMPLEMENT AND OPERATE A FARM PESTICIDE COLLECTION
29 PROGRAM WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO
30 TITLE EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION
31 LAW.

32 S 5. The state finance law is amended by adding a new section 99-u to
33 read as follows:

34 S 99-U. FARM PESTICIDE COLLECTION PROGRAM FUND. 1. THERE IS HEREBY
35 ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND
36 FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "FARM
37 PESTICIDE COLLECTION PROGRAM FUND".

38 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT
39 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION 33-0705
40 OF THE ENVIRONMENTAL CONSERVATION LAW AND ALL OTHER MONEYS APPROPRIATED,
41 CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT
42 TO LAW.

43 3. MONEYS OF SUCH FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMUN-
44 GLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXA-
45 TION AND FINANCE AND THE COMPTROLLER.

46 4. MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE ADMINISTRATION
47 OF THE FARM PESTICIDE COLLECTION PROGRAM ESTABLISHED PURSUANT TO TITLE
48 EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW.

49 5. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF
50 TAXATION AND FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON
51 VOUCHERS APPROVED BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION.

52 S 6. This act shall take effect on the one hundred eightieth day after
53 it shall have become a law. Effective immediately, the addition, amend-
54 ment and/or repeal of any rule or regulation necessary for the implemen-
55 tation of this act on its effective date is authorized to be made on or
56 before such effective date.