## 5862

## 2015-2016 Regular Sessions

IN ASSEMBLY

March 5, 2015

Introduced by M. of A. KAVANAGH, COLTON, JAFFEE, COOK, GALEF -- Multi-Sponsored by -- M. of A. CAHILL, CERETTO, CORWIN, CROUCH, DUPREY, GOTTFRIED, HOOPER, MAGEE, MARKEY, McLAUGHLIN, SCHIMEL, THIELE -- 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 ASSEMBLY, 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 POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND 33-0805. 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 FARM PESTICIDE COLLECTION PROGRAM. SUCH PROGRAM SHALL BE MADE AVAILABLE 12 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 PESTICIDES, FERTILIZERS CONTAINING PESTICIDES AND RECYCLING OF PESTICIDE 15 16 CONTAINERS FROM SUCH FARMS. NO OWNER OR RESIDENT OF A FARM SHALL BE PAY A FEE OR CHARGE FOR THE COLLECTION AND DISPOSAL OF 17 REOUIRED TO PESTICIDES PURSUANT TO SUCH PROGRAM. 18 19 S 33-0803. POWERS AND DUTIES OF THE DEPARTMENT. 20 THE DEPARTMENT, IN ADDITION TO ANY OTHER POWERS GRANTED AND DUTIES 21 REOUIRED BY ANY OTHER PROVISION OF LAW, SHALL HAVE THE FOLLOWING POWERS 22 AND DUTIES WITH RESPECT TO THE FARM PESTICIDE COLLECTION PROGRAM:

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

LBD05189-01-5

1. TO DESIGNATE CERTAIN STAFF TO ADMINISTER THE PROGRAM, INCLUDING A 1 2 PROGRAM ADMINISTRATOR, TO COORDINATE SUCH PROGRAM, WITH A FOCUS ON 3 CONFIDENTIALITY, BETWEEN THE DEPARTMENT, THE DEPARTMENT OF AGRICULTURE 4 AND MARKETS, ANY COMPANY WITH WHICH THE DEPARTMENT HAS CONTRACTED TO 5 PROVIDE COLLECTION AND DISPOSAL SERVICES, PUBLIC AND PRIVATE AGENCIES б AND FARMERS; 7 2. TO CONTRACT WITH HAZARDOUS WASTE COLLECTION COMPANIES, PESTICIDE 8 COLLECTION COMPANIES OR OTHER QUALIFIED COMPANIES TO PROVIDE COLLECTION 9 AND DISPOSAL SERVICES; 10 3. TO PROVIDE OVERSIGHT OF ANY COMPANY WITH WHICH THE DEPARTMENT HAS CONTRACTED TO PROVIDE COLLECTION AND DISPOSAL SERVICES; 11 12 TO PROVIDE A PESTICIDE CONTAINER RECYCLING PROGRAM FOR CONTAINERS 4. OF COLLECTED PESTICIDES AND FERTILIZERS CONTAINING PESTICIDES; 13 14 5. TO PROVIDE SCHEDULING FOR EACH COUNTY OF THE STATE FOR THE 15 COLLECTION AND DISPOSAL OF AGRICHEMICALS, PESTICIDES AND FERTILIZERS CONTAINING PESTICIDES; 16 17 6. TO GRANT ANY WAIVERS NECESSARY UNDER THE STANDARDS FOR UNIVERSAL WASTE FOR COLLECTION AND TRANSPORTATION OF PESTICIDES AND FERTILIZERS 18 19 CONTAINING PESTICIDES; 7. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES, 20 21 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE 22 ADMINISTRATION, SCHEDULING AND EFFORTS TO ENSURE PARTICIPATION AND CONFIDENTIALITY OF SUCH PROGRAM; AND 23 24 8. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-25 TATION OF THIS TITLE. 26 S 33-0805. POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND 27 MARKETS. 28 THE DEPARTMENT OF AGRICULTURE AND MARKETS, IN ADDITION TO ANY OTHER 29 POWERS GRANTED AND DUTIES REQUIRED BY ANY OTHER PROVISION OF LAW, SHALL HAVE THE FOLLOWING POWERS AND DUTIES WITH RESPECT TO THE FARM PESTICIDE 30 31 COLLECTION PROGRAM: 32 1. TO CONDUCT OUTREACH, EDUCATION AND PUBLICITY REGARDING SUCH PROGRAM 33 WITHIN EACH COUNTY OF THE STATE TO INCREASE AWARENESS OF SUCH PROGRAM; 2. TO ENCOURAGE FARMERS TO PARTICIPATE IN SUCH PROGRAM; 34 TO DEVELOP AND IMPLEMENT, WITH A FOCUS ON CONFIDENTIALITY, NOTIFI-35 3. CATION AND PRE-REGISTRATION PROCEDURES FOR SUCH PROGRAM IN ORDER TO 36 37 FACILITATE PARTICIPATION IN SUCH PROGRAM; 38 4. TO APPOINT LOCAL AGENTS TO INVENTORY, WITH A FOCUS ON CONFIDENTIAL-39 ITY, PESTICIDES, FERTILIZERS CONTAINING PESTICIDES, AND PESTICIDE 40 CONTAINERS AT PARTICIPATING FARMS PRIOR TO THEIR COLLECTION AND 41 DISPOSAL; 5. TO COORDINATE WITH COUNTY CORNELL COOPERATIVE EXTENSION OFFICES, 42 43 SOIL AND WATER CONSERVATION DISTRICTS, AND FARM ORGANIZATIONS IN THE 44 OUTREACH, EDUCATION, PUBLICITY AND EFFORTS TO ENSURE PARTICIPATION AND 45 CONFIDENTIALITY OF SUCH PROGRAM; AND 6. TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-46 47 TATION OF THIS TITLE. 48 S 2. Section 33-0304 of the environmental conservation law, as amended 49 by section 4 of part YY of chapter 59 of the laws of 2009, is amended to 50 read as follows: 51 S 33-0304. Fees. [All] EXCEPT AS PROVIDED IN SECTION 33-0705 OF THIS ARTICLE, ALL fees 52 collected pursuant to this article shall be deposited into the environ-53 54 mental conservation special revenue fund to the credit of the environ-55 mental regulatory account; provided, however, that the first five million dollars collected pursuant to this article shall be deposited 56

into the environmental protection fund established pursuant to section 1 2 ninety-two-s of the state finance law. 3 S 3. Section 33-0705 of the environmental conservation law, as amended 4 by section 1 of part H of chapter 57 of the laws of 2014, is amended to 5 read as follows: 6 S 33-0705. Fee for registration. 7 The applicant for registration shall pay a fee as follows: 8 a. On or before July 1, 2017, six hundred FIFTY dollars for each pesticide proposed to be registered, provided that the applicant has 9 10 submitted to the department proof in the form of a federal income tax return for the previous year showing gross annual sales, for federal 11 income tax purposes, of three million five hundred thousand dollars or 12 13 less; 14 On or before July 1, 2017, for all others, six hundred [twenty] b. 15 SEVENTY dollars for each pesticide proposed to be registered; 16 c. After July 1, 2017, [fifty] ONE HUNDRED dollars for each pesticide 17 proposed to be registered. FIFTY DOLLARS OF EACH REGISTRATION FEE PAID PURSUANT TO THIS SECTION 18 FARM PESTICIDE COLLECTION PROGRAM 19 SHALL BE DEPOSITED INTO THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-W OF THE STATE FINANCE LAW 20 21 FOR THE PURPOSE OF ADMINISTERING THE FARM PESTICIDE COLLECTION PROGRAM 22 ESTABLISHED PURSUANT TO TITLE EIGHT OF THIS ARTICLE. 23 4. Section 16 of the agriculture and markets law is amended by S 24 adding a new subdivision 45 to read as follows: 25 45. JOINTLY DEVELOP, IMPLEMENT AND OPERATE A FARM PESTICIDE COLLECTION 26 PROGRAM WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TΟ 27 TITLE EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION 28 LAW. 29 S 5. The state finance law is amended by adding a new section 99-w to 30 read as follows: 31 99-W. FARM PESTICIDE COLLECTION PROGRAM FUND. 1. THERE IS HEREBY S 32 ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND 33 COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "FARM FINANCE AND THE 34 PESTICIDE COLLECTION PROGRAM FUND". 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE 35 DEPARTMENT AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION 33-0705 36 TAXATION OF 37 OF THE ENVIRONMENTAL CONSERVATION LAW AND ALL OTHER MONEYS APPROPRIATED, 38 CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT 39 TO LAW. 40 3. MONEYS OF SUCH FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMIN-GLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXA-41 TION AND FINANCE AND THE COMPTROLLER. 42 43 4. MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE ADMINISTRATION 44 THE FARM PESTICIDE COLLECTION PROGRAM ESTABLISHED PURSUANT TO TITLE OF 45 EIGHT OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW. 5. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE 46 ΒY THE DEPARTMENT OF 47 FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON TAXATION AND 48 VOUCHERS APPROVED BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION. 49 S 6. This act shall take effect on the one hundred eightieth day after 50 it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implemen-51 tation of this act on its effective date is authorized to be made on or 52 53 before such effective date.