

# STATE OF NEW YORK

5185

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. ENGLEBRIGHT, COLTON, COOK, ROSENTHAL -- Multi-Sponsored by -- M. of A. BARRETT, FAHY, GOTTFRIED, HEVESI, HIKIND, MOYA, RIVERA, SOLAGES, STECK, THIELE -- read once and referred to the Committee on Environmental Conservation

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:

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

4 2. The commissioner shall prepare an annual report summarizing pesti-  
5 cide sales, quantity of pesticides used, category of applicator and  
6 region of application. Pesticide data shall be compiled and reported by  
7 both product name and by active ingredient. The commissioner shall not  
8 provide the name, address, or any other information which would other-  
9 wise identify a commercial or private applicator, or any person who  
10 sells or offers for sale restricted use or general use pesticides to a  
11 private applicator, or any person who received the services of a commer-  
12 cial applicator. In accordance with article six of the public officers  
13 law, proprietary information contained within such record, including  
14 price charged per product, shall not be disclosed. The report shall be  
15 submitted to the governor, the temporary president of the senate and the  
16 speaker of the assembly, and shall be made available to all interested  
17 parties. The first report shall be submitted on July first, nineteen  
18 hundred ninety-eight and on [~~July first~~] November thirtieth annually  
19 thereafter.

20 § 2. Paragraph a of subdivision 1 of section 33-1203 of the environ-  
21 mental conservation law, as added by chapter 279 of the laws of 1996, is  
22 amended to read as follows:

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

LBD09354-01-7

1 a. The commissioner shall, upon written request of an interested  
2 party, in printed form or on a diskette in computerized data base  
3 format, provide the information on pesticides submitted to the depart-  
4 ment pursuant to sections 33-1205 and 33-1207 of this title. Such infor-  
5 mation shall be provided by county or counties, or five-digit zip code  
6 or codes as selected by the interested party making the written request.

7 Pesticide data shall be provided by both product name and active ingre-  
8 dient. The commissioner shall not provide the name, address, or any  
9 other information which would otherwise identify a commercial or private  
10 applicator, or any person who sells or offers for sale restricted use or  
11 general use pesticides to a private applicator, or any person who  
12 received the services of a commercial applicator. In accordance with  
13 article six of the public officers law, proprietary information  
14 contained within such record, including price charged per product, shall  
15 not be disclosed. The provisions of this paragraph shall not apply to  
16 the provision of pesticide data to the commissioner of health, the  
17 health research science board and researchers pursuant to title one-B of  
18 article twenty-four of the public health law.

19 § 3. The second undesignated paragraph of subdivision 1 of section  
20 33-1205 of the environmental conservation law, as added by chapter 279  
21 of the laws of 1996, is amended to read as follows:

22 Such records shall be maintained for a period of not less than three  
23 years. All commercial applicators shall file, at least annually, a  
24 report or reports containing such information with the department [~~on~~  
25 ~~computer diskette or in printed form~~] in an electronic format developed  
26 by the department consistent with system file specifications or on  
27 scannable forms developed by the department on or before February first  
28 for the prior calendar year. All commercial applicators shall also  
29 maintain corresponding records of the dosage rates, methods of applica-  
30 tion and target organisms for each pesticide application. These records  
31 shall be maintained on an annual basis and retained for a period of not  
32 less than three years and shall be available for inspection upon request  
33 by the department.

34 § 4. The closing paragraph of paragraph a of subdivision 2 of section  
35 33-1205 of the environmental conservation law, as amended by chapter 260  
36 of the laws of 1997, is amended to read as follows:

37 Every person who sells or offers for sale restricted use pesticides to  
38 private applicators shall file, at least annually, a report or reports  
39 containing such information with the department [~~on computer diskette or~~  
40 ~~in printed form~~] in an electronic format developed by the department  
41 consistent with system file specifications or on scannable forms devel-  
42 oped by the department on or before February first for the prior calen-  
43 dar year. The department shall not use the reports filed pursuant to  
44 this paragraph for enforcement purposes.

45 § 5. Subdivision 2 of section 33-1207 of the environmental conserva-  
46 tion law, as added by chapter 279 of the laws of 1996, is amended to  
47 read as follows:

48 2. Such records shall be maintained for a period of not less than  
49 three years. All manufacturers and importers shall file an annual  
50 report containing such information with the department [~~on computer~~  
51 ~~diskette or in printed form~~] in an electronic format developed by the  
52 department consistent with system file specifications or on scannable  
53 forms developed by the department on or before February first for the  
54 prior calendar year.

55 § 6. This act shall take effect on the sixtieth day after it shall  
56 have become a law.