STATE OF NEW YORK

8716

IN ASSEMBLY

January 11, 2022

Introduced by M. of A. ENGLEBRIGHT -- 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; and to amend a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, in relation to the effectiveness thereof

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 amended by a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, 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~~] **EPA registration number** 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 **posted on the department's website annually by December thirty-first and 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 November thirtieth annually thereafter~~].

§ 2. Paragraph a of subdivision 1 of section 33-1203 of the environmental conservation law, as amended by a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of

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

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data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, is amended to read as follows:

a. The commissioner shall, upon written request of an interested party, in printed or electronic form, as requested by such party 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~~] **EPA registration number,** 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.

§ 3. The second undesignated paragraph of subdivision 1 of section 33-1205 of the environmental conservation law, as amended by a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, 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 in an electronic format developed **or accepted** by the department consistent with system file specifications or on scannable forms**, if** 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.

§ 4. The closing paragraph of paragraph a of subdivision 2 of section 33-1205 of the environmental conservation law, as amended by a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, 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 in an electronic format developed **or accepted** by the department consistent with system file specifications or on scannable forms**, if** 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.

§ 5. Subdivision 2 of section 33-1207 of the environmental conservation law, as amended by a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, 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 in an electronic format developed **or accepted** 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.

§ 6. Section 6 of a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, is amended to read as follows:

§ 6. This act shall take effect on the [~~sixtieth~~] **one hundred eightieth** day after it shall have become a law.

§ 7. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the environmental conservation law relating to compilation of data on pesticides, as proposed in legislative bills numbers S. 4596 and A. 4596, takes effect.