

STATE OF NEW YORK

7781

IN SENATE

January 11, 2022

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Subdivision 2 of section 33-1201 of the environmental
2 conservation law, as amended by a chapter of the laws of 2021 amending
3 the environmental conservation law relating to compilation of data on
4 pesticides, as proposed in legislative bills numbers S. 4596 and A.
5 4596, is amended to read as follows:

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

23 § 2. Paragraph a of subdivision 1 of section 33-1203 of the environ-
24 mental conservation law, as amended by a chapter of the laws of 2021
25 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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1 data on pesticides, as proposed in legislative bills numbers S. 4596 and
2 A. 4596, is amended to read as follows:

3 a. The commissioner shall, upon written request of an interested
4 party, in printed or electronic form, as requested by such party provide
5 the information on pesticides submitted to the department pursuant to
6 sections 33-1205 and 33-1207 of this title. Such information shall be
7 provided by county or counties, or five-digit zip code or codes as
8 selected by the interested party making the written request. Pesticide
9 data shall be provided by [~~both~~] EPA registration number, product name
10 and active ingredient. The commissioner shall not provide the name,
11 address, or any other information which would otherwise identify a
12 commercial or private applicator, or any person who sells or offers for
13 sale restricted use or general use pesticides to a private applicator,
14 or any person who received the services of a commercial applicator. In
15 accordance with article six of the public officers law, proprietary
16 information contained within such record, including price charged per
17 product, shall not be disclosed. The provisions of this paragraph shall
18 not apply to the provision of pesticide data to the commissioner of
19 health, the health research science board and researchers pursuant to
20 title one-B of article twenty-four of the public health law.

21 § 3. The second undesignated paragraph of subdivision 1 of section
22 33-1205 of the environmental conservation law, as amended by a chapter
23 of the laws of 2021 amending the environmental conservation law relating
24 to compilation of data on pesticides, as proposed in legislative bills
25 numbers S. 4596 and A. 4596, is amended to read as follows:

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

37 § 4. The closing paragraph of paragraph a of subdivision 2 of section
38 33-1205 of the environmental conservation law, as amended by a chapter
39 of the laws of 2021 amending the environmental conservation law relating
40 to compilation of data on pesticides, as proposed in legislative bills
41 numbers S. 4596 and A. 4596, is amended to read as follows:

42 Every person who sells or offers for sale restricted use pesticides to
43 private applicators shall file, at least annually, a report or reports
44 containing such information with the department in an electronic format
45 developed or accepted by the department consistent with system file
46 specifications or on scannable forms, if developed by the department, on
47 or before February first for the prior calendar year. The department
48 shall not use the reports filed pursuant to this paragraph for enforce-
49 ment purposes.

50 § 5. Subdivision 2 of section 33-1207 of the environmental conserva-
51 tion law, as amended by a chapter of the laws of 2021 amending the envi-
52 ronmental conservation law relating to compilation of data on pesti-
53 cides, as proposed in legislative bills numbers S. 4596 and A. 4596, is
54 amended to read as follows:

55 2. Such records shall be maintained for a period of not less than
56 three years. All manufacturers and importers shall file an annual report

1 containing such information with the department in an electronic format
2 developed or accepted by the department consistent with system file
3 specifications [~~or on scannable forms developed by the department~~] on or
4 before February first for the prior calendar year.

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

9 § 6. This act shall take effect on the [~~sixtieth~~] one hundred eight-
10 ieth day after it shall have become a law.

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