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New York Alliance for Environmental Concerns 2013 NYS Legislative Session Wrap-Up

The 2013 legislative session was remarkable not for what was accomplished, but for what was left behind when the state legislature left Albany for the summer. With the session marred by a number of scandals and federal indictments, legislators left town as quickly as they could hoping to put the year behind them. Governor Cuomo, coming off of two successful years, spent the first half of this year defending the SAFE Act that was pushed through on the very first day of session in January and spent the last half pushing a handful of issues, including casino gaming, women's equality and a plan to eliminate taxes on certain new upstate businesses. For the New York Alliance for Environmental Concerns (NYAFEC) though, this lack of action was actually a good thing. We tracked, monitored and lobbied on 132 pieces of legislation this year, the overwhelming majority of which were bad for the green industry.

The state Assembly continues to introduce legislation that is harmful to the green industry. At last count there were five bills seeking to poorly re-write long standing definitions of IPM and twelve bills attempting to ban the use of pesticides in various settings. NYAFEC continues to push back against bad legislation based upon unsupported claims and poor or manipulated viewpoints that claim to be science based. Our closest ally in this fight has been state Senator Mark Grisanti (R-Buffalo), chair of the Senate Environmental Conservation Committee. While enjoying a good working relationship with the environmental groups, Senator Grisanti has worked with us to stop onerous pieces of legislation that are damaging and to promote those which we support.

One piece of legislation that started to take shape towards the end of session and will be something we need to monitor very closely next year was S.5485 by Senator Maziarz. This bill would have required pesticide applicators and businesses to notify local emergency response organizations of the chemicals they keep in stock and where they are stored. Not only were the recordkeeping and reporting requirements of this bill onerous, additional provisions would have raided the state's pesticide registration program and used funding from that for the purposes of reimbursing localities for pesticide spill cleanups. Working together with our colleagues in the industry we were able to work with the sponsor to stop this bill from moving, but it is something we need to keep a very close eye on next year.

Other legislation that came down to the wire in the last week of session

included A.4841c/S.5288c by Assemblywoman Paulin and Senator Carlucci. This bill would have taken the infamous schools pesticide ban from 2010 and extended it to overnight and summer day camps. This legislation picked up steam at the end, passing the Assembly on June 17th, but by working with Senate staff, as well as the Chair of the Health committee we were able to block any movement in the Senate and run the clock out. Unfortunately this is going to be another one that we need to watch closely next year.

In addition to these two pieces, other arduous bills that we tracked throughout session included the following:

A.1047 (Sweeney)/S.4857 (LaValle) would have created special surface water protection areas on Long Island and would have required an ambient groundwater standard of two milligrams per liter for nitrogen on Long Island as well. This bill is too broad and heavy handed, with no provision for industry participation, and it imposes arbitrary standards. Ordinary citizens on Long Island should be very wary of powers given and taken by this bill. **This legislation passed the Assembly but was stopped in the Senate.**

A.1296 (Zebrowski) would require schools and day care centers to implement integrated pest management plans, but the included definition of IPM was one that we could not agree with. This definition calls for least toxic chemicals to be used as a last resort, and this is not something that we could support. **This legislation was stopped in the Assembly Ways & Means committee.**

S.4443 (Martins) would have created the Long Island aquifer commission, which would have conflicted directly with the ongoing Department of Environmental Conservation (DEC) pesticide pollution prevention strategy something NYAFEC has been involved with since day one. **This legislation was stopped in the Senate Finance committee.**

Not all was lost on the legislative front this year though. We were able to successfully move once again through the full Senate S.2203 by Senator Young, creating a state definition of IPM which we support. This bill passed unanimously and the Senate also included the language in their proposed budget, which is something we will be pursuing again next year. Perhaps our biggest win this year though was the inclusion of a \$150,000 line item in the state budget for the Turfgrass Environmental Stewardship Fund. This program has been used in the past to fund research projects at Cornell University and has not been fully funded for a number of years. Working together with the NY Farm Bureau and our Senate champions, Senator Patricia Ritchie and Senator Mark Grisanti, we were able to secure near full funding levels for this year. This funding will go a long way in helping the industry to provide research based information in the future.

NYAFEC was also active this year on the regulatory front. The NYAFEC board met earlier in the year with staff from the DEC pesticide bureau to discuss the rewrite of the Part 325 regulations. This was a fruitful discussion in which we were able to express both displeasure with and reliance upon a multitude of regulations governing our industry. The revision of these regulations has enormous potential consequences for the thousands of small business operators and applicator companies doing business in the state, and we will continue to work with the Department as they move forward on these regulations.

This year also saw the unveiling by DEC of their Long Island Pesticide Pollution Prevention Strategy. This draft proposal was the follow-up to the LI Pesticide Use Management Plan that had been under development for a number of years. DEC held two stakeholder meetings on Long Island this winter and invited various businesses, industry reps, environmentalists and policy makers to participate in discussions, and NYAFEC board members were represented at each. The revisions to the original plan made by NYSDEC gave industry a seat at the table at several different parts of the evaluation process. After consultation with other green industry trade Associations with membership on Long Island, a letter of support for the new Long Island Pesticide Pollution Prevention Strategy was signed. While reservations persist, the industry has an opportunity to have real input in this process, which they must take advantage of.

In addition, our chairman, Larry Wilson, testified at an Assembly hearing on the subject hosted by Assemblyman Robert Sweeney, who has been critical of our industries initiatives and interests for some time now. Aside from DEC, Larry was the sole presenter to speak in favor of the new proposal, based on the revisions which allowed for new industry input and participation. His remarks were well received by the Chairman and his willingness to stand in favor of the Department of Environmental Conservation did not go unnoticed by them.

Because the balance of power dictates state policy, next year's election of all 213 state legislators is very important. The Senate is closely split and could possibly switch back to being led by Senate Democrats next year if they pick up only a handful of seats. Such a change could have a significant impact on the green industry if the legislation passed in 2009-2010 is of any indication. No matter which party runs the Senate or Assembly, NYAFEC must educate all legislators of both parties about the importance of legislation that would impact small businesses and the green industry itself. For this reason, NYAFEC was instrumental in forming GREENPAC to further NYAFEC's goal of being a more effective agent of the green industry across New York State. GREENPAC accomplishes this goal by supporting state and local elected officials, candidates for public office, state party organizations, and legislative campaign committees who support a strong, thriving green industry.

Personal contributions (up to \$150,000) or corporate contributions (up to \$5,000) can be made to GREENPAC and sent to:

GREENPAC
Attn: Mike Maffei - Treasurer
P.O. Box 90
Brewster, NY 10509

For additional inquiries about NYAFEC, its mission and goals, contact NYAFEC President Larry Wilson at nyafec@optonline.net.

Please be assured that NYAFEC will remain intensely vigilant throughout the remainder of 2013 and beyond, as we work closely with elected officials and regulators to ensure that the green industry is not harmed, but enhanced by their actions in Albany.

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