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New York Alliance for Environmental Concerns 2014 NYS Legislative Session Wrap-Up

The 2014 NYS Legislative session ground to a halt Friday June 20th following the normal last week flurry of activity. This session was distinguished more by what was not done than any of the legislature's accomplishments. An on-time budget for the fourth year in a row is noteworthy and the Governor has distinguished himself by using the budget process to accomplish a number of program priorities. The Turfgrass Environmental Stewardship Fund received a new infusion of state support and a proposal to eliminate pesticide use reporting for commercial pesticide applicators was submitted for consideration. Details pertaining to the outcome of these issues are discussed below. The post budget session was all about getting the legislative process completed without stirring up much controversy. Nevertheless, there were several bills in play that created a significant threat to our industry. We maintained a vigil to make sure that none of the "bad bills" made it to the floor of either house. The following is a detailed summary of the bills we were tracking on behalf NYAFEC.

Turfgrass Environmental Stewardship Fund: This important program has a terrific track record of supporting research projects that enhance turf management solutions to preserve and protect the environmental integrity of our communities. The fund has supported projects that enhance IPM through the development of alternatives to pesticides for annual bluegrass weevil control and golf course best management practices for water quality protection. Even though the Governor did not fund the Turfgrass Environmental Stewardship Fund in the Executive Budget released in January, legislative leaders demonstrated their leadership through restoring \$150,000 for the fund. Many thanks go to Senator Mark Grisanti, Chair of the Environmental Conservation Committee, the leadership of the Agriculture Committees Senator Pattie Ritchie and Assemblyman Bill Magee, along with the New York Farm Bureau for their hard work in prioritizing the Fund and finding the dollars to keep the program going. Much appreciation also goes to all those who contacted legislators in support of the Turfgrass Environmental Stewardship Fund.

Pesticide Reporting Law (Executive Budget Bill, Article VII amendments): The Executive Budget for FY 2014-15 proposed to eliminate the pesticide use reporting mandate for commercial pesticide applicators. The proposal followed on the heels of the recommendation

from the Health Research Science Board (HRSB) to eliminate the pesticide program. History has taught us that this information is not utilized in a manner intended when the law was passed. The HRSB, the guardian of the confidential business information, only received three requests, during the past 17 years, from valid researchers for access to the confidential information. Therefore, given the economic burden sustained by private businesses and the State, the Board recommended that the program be disbanded. The Governor's budget bill accepted a portion of the HRSB's recommendation by eliminating the reporting requirements. Environmental activists strongly opposed the proposal and quickly lined up their allies in the Assembly. Environmental Conservation Committee Chair Robert Sweeney publicly stated his opposition to the Governor's proposal during the budget hearings in late winter. Further, the Assembly's budget resolution contained language that not only erased the Governor's good ideas, but took giant steps in the opposite direction by proposing more frequent reporting by certified applicators and a public open door to all the confidential information. The Senate was hearing from the Retail Council and other big box store representatives complaining about proposed increased reporting requirements at the time of pesticide sales. Therefore the notion of making substantive improvements to the current mandates was dashed by the political firestorm. The good news is that, at the end of the day, status quo was maintained. This burdensome, unjustified mandate did not get worse.

In the aftermath of the budget process, Assemblyman Bob Sweeney hosted a hearing June 9th on the pesticide reporting law for the stated purpose of "improving the effectiveness of the State's laws regarding pesticide sales and use reporting, including increased public access to pesticide data". Larry Wilson, Pat Voges, Matthew Lindner and Rick Zimmerman participated in the New York City hearing, making the case for eliminating the pesticide reporting program. They stated that the industry spends about \$4.75 million per year adhering to this unfunded mandate. The DEC reported that the State has spent over \$30 million year to date complying with the law's mandates. As you might imagine, there were supporters for continuing the reporting law and calling for the elimination of the Health Research Science Board to allow the general public can get their hands on the confidential information. Even though Assemblyman Sweeney is retiring this year, there will be others who will pick up the cause to push for more government regulation in our lives. A copy of NYAFEC's testimony is attached with this report.

Long Island Water Quality Control Act (A.9788-A Sweeney/ S.7804

LaValle): This bill was introduced late in the legislative session and would prescribe an extensive regulatory scheme on pesticide and fertilizer use throughout Long Island. One of the primary tenants of the bill is to grant Long Island local governments the authority to regulate pesticide and fertilizer use, responsibilities that are currently placed exclusively on the shoulders of the State. This bill was introduced despite the fact the DEC recently finalized and released the long awaited Long Island Pesticide Pollution Prevention Strategy (LI P3). The bill ignores the role the strategy would play with regard to pesticide pollution control and would not give the Strategy a chance to operate and demonstrate success. NYAFEC, along with many other businesses and organizations strongly opposed the bill. Despite the Assembly's desire to have this bill serve as a legacy to Bob Sweeney, the Senate would not consider the issue and it died in the Senate Environmental Conservation Committee. More information on the LI P3 strategy can be found at <http://www.dec.ny.gov/chemical/87125.html>.

Toxic chemicals bill (A.6328 Sweeney/ S.4614-A Boyle): This bill threatened the entire underpinnings of how our country evaluates

chemicals products available to our society. Promoted as a bill to regulate the chemicals in children's products, the bill would be significantly more invasive throughout our lives by mandating a new risk adverse regulatory scheme similar to Europe's approach to chemical regulation. If passed, this bill would supersede the federal government's role in chemicals use regulation and begin a patchwork system of state by state regulations. This bill was strongly opposed by a large diverse coalition of organizations and businesses. It passed the Assembly mid-session and remained in play in the Senate until the very end. Fortunately Senate leaders had the presence of mind not to place the bill on the floor for a vote. But its outcome remained uncertain until the very end of the Senate's session.

Pesticide ban at summer camps bill (A.4841-D Paulin/ S.5288-D

Carlucci) Back for the second year, this bill would prohibit the application of pesticides on properties used as children's day and overnight camps. These institutions, which are ever popular summer opportunities for children throughout the United States, would be no longer able to control pests and vermin with chemical pesticides, except for approval on an emergency basis. Poison Ivy, deer ticks and wasps are but a few of the serious risks facing individuals in these outdoors environments. Absent effective controls, parents will not permit their children to attend these summer pastimes. Ironically the bill includes an exemption for all camps within the NYC limits. How can this bill be justified when the home environment for approximately eight million people is excluded? The bill passed the Assembly and remained locked up in the Senate Health Committee.

IPM definition: imbedded in many bills: The following bills were introduced in the 2013 - 14 legislative session containing a definition of integrated pest management intended to prohibit or substantially restrict the use of pesticides within an IPM program. Fortunately, none of the following bills passed.

- A.1074
- A.1295
- A.1296
- A.2397-A
- A.2398
- A.2473
- A.4135
- A.5485
- A.5651/S.831
- A.5812

It is very apparent that the bill sponsors have subscribed to the notion that pesticide use does not have to be part of a viable IPM program. Further, if any of these bills should become law, the IPM definition would impact all IPM programs because the definition would be placed in DEC law causing it to become the law of the land. Therefore the unstated objective of all these bills is to cast pesticides out of the IPM toolbox for the purpose of executing an anti-pesticide agenda.

Fortunately there are some legislators that see through this thinly veiled attempt to advance an anti-pesticide agenda. Legislation was passed by the State Senate (S.2203 Young) that would establish an appropriate statutory definition of IPM; one that will allow IPM practitioners to employ all appropriate tools in the IPM toolbox. Even though the Senate passed this bill two years in a row, the Assembly failed to consider its companion (A.1172 Gunther). Assembly Environmental Conservation Committee Chair Bob Sweeney was challenged by a couple of his Encon Committee

colleagues to substitute the Gunther bill for one of the bad definition bills (A.1296 Zebrowski) during an Encon Committee meeting. He was unwilling to do so.

In a late session attempt to circumvent the Assembly Encon Committee, Assemblywoman Gunther and Senator Young willingly introduced another IPM definition bill, A.9293 Gunther/ S.7090 Young, which would put the definition into Ag and Markets Law and be considered by the Agriculture Committees. The Senate reacted favorably to this notion, but the Assembly was unwilling again to consider the bill. Thus a legislative stalemate was the end result.

From a practical standpoint, there will be no negative impact on IPM practices in New York. The current definition, which can be found in DEC regulations (Part 325), appropriately defines IPM to include pesticides. Nevertheless, the anti-pesticide lobby will continue to use future IPM bills to define a practice for the purpose of advancing their agenda. We must keep up the vigil to fend off this threat.

Summary: Once again, NYAFEC's role in the legislative process was significant and critical. We continued to bring reason to balance against a liberal anti-pesticide lobby and work hard to improve the business environment we are operating in. We witnessed and supported a serious attempt to lift the pesticide reporting mandate off our shoulders. It is encouraging that the Cuomo administration recognizes our valid arguments. Even though we were not completely successful on this front, the conversation will continue and we will advocate for your interests.

Looking forward, the political winds are blowing and creating a murky picture for the next legislative session. News about the Senate's Independent Democratic Caucus turning away from the Republicans and forging a new alliance with the mainline Democrats creates a new dynamic that could impact our ability to get things done. In the meantime, the news about certain Senate Republican leaders retiring, indicted or running for Congress raises the hurdle for the GOP to gain a clear Senate majority in 2015. Undoubtedly NYAFEC's educational and advocacy efforts must continue and GREENPAC's role in our overall legislative program is significant. GREENPAC supports state and local elected officials, candidates for public office, state party organizations, and legislative campaign committees who support a strong, thriving green industry. The use of GREENPAC funds complements our direct advocacy outreach by providing an additional opportunity to educate lawmakers on the priority issues impacting our industry.

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

GREENPAC
Attn: Mike Maffei - Treasurer
PO Box 90
Brewster, NY 10509

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

It has been a pleasure to represent your interests at the State Capitol and we look forward to continuing the fight for enhancing the business climate for NYAFEC members.

Rick Zimmerman
Todd Vandervort

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NYSTA | PO Box 612, 4 Youngs Place | Phone: 518-783-1229 | Fax: 518-783-1258 | Latham | NY | 12110