



# New York State Turfgrass Association

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## New York Alliance for Environmental Concerns 2016 NYS Legislative Session Wrap-Up



*Senator Rich Funke addresses attendees at the 2016 Turfgrass Advocacy Day in Albany, NY.*

The 2016 State Legislative Session wrapped up early Saturday morning June 18th. The flurry of activity the last week of session was the culmination of a year of political decisions that leave our state in a questionable economic condition. Probably the most significant decision was to raise the minimum wage to \$15 / hour downstate and \$12.50 / hour upstate. This decision alone will render this state uncompetitive when it comes to keeping our current industries, including agriculture and horticulture, competitive with other states and countries. Time will tell the story on how this effort to address poverty plays out.



*Rick Zimmerman, NYAFEC Lobbyist, prepares attendees for legislative visits at the 2016 Turfgrass Advocacy Day in Albany, NY.*

NYAFEC priorities were addressed during and following the budget process. Progress was made on several fronts, yet we have more work to do. Here is a summary of the results.

### **Turfgrass Environmental Stewardship Fund**

The Turfgrass Environmental Stewardship Fund provides research support for projects focusing on issues critical to the health and viability of our outdoor environment. This program has enjoyed several years of state support and it is demonstrating that it is a worthy state investment. We requested \$200,000 for the program this year, given the large number of applications from those who have valid research projects. The final State Budget agreement included \$150,000 for the program, thanks in large part to the Senate Majority, particularly Senator Pattie Ritchie.

### **Fee Parity for 3A and 3B Certified Applicators**

One of our priority budget issues this year was to establish parity, within the certified applicator community, on the level of fees paid by 3A and 3B applicators. Currently 3A and 3B applicators pay an additional \$50 per year for their certification in contrast to all other commercial applicator classes. The State Senate included the fee reduction provisions within their one house budget resolution and entered into negotiations with Assembly leadership. The Governor's Office indicated their willingness to support the measure, provided that the fiscal concerns were addressed. Our research demonstrated that the fiscal impact to the State would be minimized given the transient nature of the industry and thus additional fee revenue would be collected. The Assembly Majority leadership remained unwilling to negotiate the issue and therefore it "fell off" the budget table. This inflexibility, promoted by central Assembly staff, continues to stifle good public policy.

Following the budget process, legislation was introduced by Senator O'Mara (S5477) and Assemblyman Skoufis (A7635) to establish fee parity for 3A and 3B applicators. The Senate bill was approved by the Environmental Conservation Committee and passed the full Senate on June 8th. Once again, the Assembly failed to consider the issue despite a strong appeal from the bill sponsor, James Skoufis. Nevertheless, we appreciate the effort and leadership invested by Senator O'Mara and Assemblyman Skoufis.

Next steps include convincing DEC to include the initiative in their executive budget request for the next fiscal year and continuing to cultivate the engagement of Assemblyman Steve Englebright.

### **Less than Label Rate for landscape / horticulture pesticide applications:**

State legislation, to legally permit commercial landscape/ horticulture pesticide applicators to apply pesticides at rates less than prescribed on the pesticide product label, was a NYAFEC 2016 priority. The agricultural industry has enjoyed this benefit for the past 15 years and Senator Marcellino and Assemblyman Magee introduced S.1626/ A.1461 to authorize such use by commercial applicators serving the landscape / horticulture industries. The State Senate passed the bill as it has for the past several years and, despite strong support from NYAFEC and Assemblyman Magee, the Assembly Environmental Conservation Committee failed to consider the bill.

In an effort to break the logjam, we reached out to DEC officials to ensure they were supportive of the proposal. They shared with us that their support would increase if the less than label rate concept were limited to landscape/ horticultural pesticide applications rather than including pest control within and around structures. Given this input, we consulted with the bill sponsors about this more limited approach, and reached out to Assembly Environmental Conservation Committee Chair Steve Englebright. The Assembly bill was amended and Englebright's reaction was open and receptive, but end of session pressures, including the death of his chief of staff, prevented him from spending sufficient time to review the issue and move it through the Environmental Conservation Committee. However, he did commit to take up the issue next year.

Overall progress was achieved by identifying a compromise approach and receiving a commitment from the chair of the Assembly Environmental Conservation Committee to take up the issue next year. We plan to meet with Assemblyman Englebright sometime this fall to continue the conversation.

**Pollinator Taskforce Recommendations:**

Governor Cuomo convened a taskforce of representatives from industry, academia and government to discuss and evaluate the issues impacting the health of pollinators in NYS. This taskforce met throughout the fall of 2015 and learned about the complex interrelationship of several issues, including nutrition, parasites, forage quality, pesticides and hive management. Subsequently, the taskforce agreed that a management plan would be the best approach to addressing all these issues and a draft was circulated late last fall for review. NYAFEC submitted comments, critiquing the elements of the management plan that impacted turfgrass, landscape and horticultural businesses. The Governor released the final draft Pollinator Management Plan in mid-June and we were pleased to see that our recommendations were incorporated into the plan. Thus the document is a series of best management practices that reflect practical steps that can be taken to minimize pollinator interface with pesticides and maximize pollinator health through better nutrition, better management, better communication and increased forage opportunities. We are optimistic that this management plan will stifle further discussion about legislative bans of pesticides, particularly neonicotinoids.

**Pesticide Management Education Program:**

Cornell University's Pesticide Management Education Program (PMEP) has distinguished itself for the high quality educational materials and programs provided to the certified applicator community. Funding for this program has traditionally come from federal government sources, but these dollars have dried up over the years. The program has limped along with revenues from the sale of their guidance manuals, but this direction is not sustainable. Cornell attempted to get some state dollars through the State Budget earlier this year, but was not successful. Therefore, PMEP's future is not certain.

Nevertheless, this program continues to serve our industry and our certified applicators and their employer companies need to depend on the high quality services the program continues to offer. Therefore, discussions have begun to determine how to bolster the program and NYAFEC has been in the middle of these discussions. It is likely that a budget request, from the Environmental Protection Fund, will be made by Cornell later this year. Given our level of use of this program, by NYAFEC members, it makes sense to actively support this funding effort.

**GMO Labeling:**

Once again, legislation was introduced in both houses mandating the labeling of foods containing genetically engineered ingredients. The biggest threat to passing such legislation (A.617-B/ S.485-B) was in the Assembly where a very aggressive lobbying effort, led by bill sponsor Linda Rosenthal. NYAFEC fought this threat as part of a coalition of organizations and companies opposed to mandatory labeling. The bill wound its way through the Assembly Consumer Affairs, Codes, Ways and Means, and Rules Committees before it died on the Assembly Floor. Thus, once again, the coalition was successful in keeping the GMO labeling bill from coming to a floor vote in either the Assembly or Senate.

In the meantime, legislative negotiations finally brought compromise in the U.S. Senate when Senators Pat Roberts and Debbie Stabenow reached agreement on a national labeling / state preemption bill. This bill received sufficient votes of support to avoid a filibuster and allow it to go to the Senate floor where it was passed and sent to the House for their consideration. Even though the House passed a voluntary labeling bill last year, Representatives joined together to pass the Senate bill thus creating

state preemption and thwarting Vermont's state labeling mandate. The President signed the bill into law on July 29th.

### **Integrated Pest Management (IPM): Program support and definition**

The Integrated Pest Management Program, administered through Cornell University, is one of the best IPM programs in the country. NYAFEC's annual advocacy for this program is an important component to achieving successful state support. Governor Cuomo's Executive Budget proposed to fund IPM from the Environmental Protection Fund at one million dollars and NYAFEC, along with the greater agriculture industry, supported the request. The effort was close to being derailed when Assembly staff negotiators conditioned their support upon inserting an IPM definition that relegated pesticides to a last alternative option in the IPM toolbox. NYAFEC, along with other industry advocates, strongly objected to this backdoor move and even attempted to reach a compromise on definition language but Assembly negotiators would not budge. Fortunately, the budget negotiations were kicked up to the next tier and the issue was resolved when the Governor and Senate leadership would not go along with the Assembly's shenanigans. The final budget included one million dollars for agriculture IPM and \$550,000 for the Community IPM.

NYAFEC actively supported A.1186 (Gunther) / S.3064 (Young) legislation that defines IPM in the same way as the DEC regulatory definition and very similar to the USDA definition. The purpose for advocating for a statutory definition that we can support is to offset the threat from all the bills that want to define IPM as essentially "anything but pesticides". The Senate passed S.3064 (Young) in early June and we made a hard push for the bill in the Assembly. Once again the Assembly Environmental Conservation Committee chose to consider the Zebrowski bill, A.1332, instead of the Gunther bill and passed it on to the Ways and Means Committee where it remained through the end of the session. Even though we did not get the Gunther bill out of the Assembly, our efforts were successful in providing an effective counterbalance to the Zebrowski bill and all of the following bills that would establish a very damaging definition for IPM in New York

- A.700 (Englebright) / S.2684 (Parker) - IPM in hospitals
- A.1682 (Englebright) - general definition
- A.1796 (Englebright) - general definition
- A.1857 (Englebright) - IPM in day care facilities
- A.1944 (Englebright) - IPM in schools

Our advocacy efforts were successful in keeping several very damaging proposals from moving through the legislative process. Here is a summary of those bills we actively opposed.

### **Pesticide Ban at Summer Camps.**

A.129 (Paulin) / S.1420 (Carlucci) would prohibit the use of pesticides at children's overnight or summer day camps. This legislation would follow in the footsteps of the law banning pesticides on school grounds playing fields. NYAFEC actively opposed this bill, pointing out the true hazards that would exist on campgrounds, such as poison ivy and wasps, which would be difficult to control absent chemical pesticides. Child safety is the bottom line for all camping programs and pesticides are part of the safety arsenal.

The Assembly passed the Paulin bill, but the Carlucci bill was not considered by the Senate. The Senate Health Committee, chaired by Senator Kemp Hannon, is not supportive of the bill and Senator Carlucci did not prioritize the bill.

### **Local Government Regulation of Pesticides:**

A.2984 (Englebright) would allow local governments to regulate pesticide use and notification more stringently than the Commissioner of Environmental Conservation. We opposed this bill because of the chaos

that would reign as the result of a patchwork of local governments doing their own thing on pesticide use regulation. This bill remained in the Assembly Environmental Conservation Committee and there was no Senate counterpart.

**Expansion of the Pesticide Reporting Program:**

A.6761 (Englebright) would increase the pesticide use reporting requirements within the Pesticide Reporting Law (PRL). This bill goes in the opposite direction from our legislative priority to repeal the PRL. Fortunately, the bill remained in the Assembly Environmental Conservation Committee.

**Phase out of pesticides on state property:**

A.5685 (Kavanagh) and a similar bill, S.158-A (Squadron), would eliminate the use of pesticides on state property. These bills were not prioritized by their sponsors and therefore did not move out of committee. Nevertheless, we must continue to watch as these types of bills can gather a head of steam quite quickly.

**Neonicotinoid Pesticides Bans:**

A.5529-A (Englebright) / S.4833-A (Hoylman) would ban the use of neonicotinoid class pesticides (along with atrazine, metalaxyl). Arguing that neonics are linked to the decline of honey bees, these bills would either ban products, such as Imidacloprid, which are used extensively in agricultural and horticultural situations. We actively opposed these bills, pointing out that the governor's Pollinator Management Plan would adequately and effectively address the neonic question. The bills were not considered by their original committee of jurisdiction.

**Toxic Chemicals in Children's Toys Bill:**

A.5612-A (Englebright) and S.7507 (Avella) would have created a new, state-level chemical safety review process that would ban the sale of products containing chemicals identified as being hazardous. Pesticide products could have been included on the banned list. A strong coalition of business interests, led by the NY Chemical Council, worked to keep this bill from passing. The Assembly passed the bill in April but the Senate never got serious about the bill this year perhaps due to the fact that the President signed into law the Toxic Substances Reform Act, federal legislation that updates and renews the federal provisions that review and authorize chemicals use in the US. The new federal law does include a state preemption, making it more difficult for states to do their own thing.

**Turfgrass Advocacy Day:**

Effective advocacy from the grassroots is one of the most important elements of a comprehensive lobbying program. The annual Turfgrass Advocacy Day continues to be one of those significant events that helps tailor the outcome of public policy decisions and this year was no exception. Over 100 participants converged on Albany March 9th to fortify existing relationships and create new ones with law makers from throughout the state. Senator Rich Funke addressed the group and encouraged us to remain vigilant for those priorities that seem to continue to elude us. The Senator committed to champion our causes, including the Turfgrass Environmental Stewardship Fund. If you haven't attended in the past, please consider doing so next year. Information will be available later this fall.

Now that session is over the focus is on the November elections. Our next President will be chosen in November and, specific to New York, the make-up of the Senate and Assembly will be decided. As such this summer and fall will present NYAFEC and its members an opportunity to participate through GREENPAC. We may want to consider a campaign to raise more money to support the legislators that continue to support 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 more information about NYAFEC, its mission and goals, Please visit our website at [www.nyafec.org](http://www.nyafec.org) or contact NYAFEC President Larry Wilson at [nyafec@optonline.net](mailto:nyafec@optonline.net)

NYSTA, PO Box 612, 4 Youngs Place, Latham, NY 12110

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