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New York Alliance for Environmental Concerns 2017 NYS Legislative Session Wrap-Up

The 2017 NYS Legislative Session opened on January 4th and worked hard to stick to its June 21st adjournment date. In fact, Assembly Speaker Carl Heastie gaveled the session to an abrupt close late Wednesday night, June 21st without resolving several key political/ policy issues including mayoral control of the NYC school system. This lack of action compelled Governor Cuomo to call an "emergency session" for the following week to force lawmakers to address the politically touchy issues. Officially lawmakers went home for the foreseeable future on Wednesday, June 28th.

The State Budget, which was finalized during the early days of April, proved to be the most significant body of work for the 2017 Legislature. As has been the trend, particularly during the Andrew Cuomo Administration, the budget bills get crammed with public policy initiatives in addition to their spending plan directives. This year was no exception and, following completion of the State Budget, the governor announced that most of his 2017 priorities had been accomplished through the budget. Thus, absent the Governor's leadership in pushing a post-budget agenda, little motivation was demonstrated to do a whole lot more in the second half of the 2017 session.

NYAFEC was engaged throughout the 2017 Legislative Session. We had a few priorities we were pushing forward and several issues we defended against. One of the most significant actions we take each year to advance our agenda is being part of the annual Turfgrass Lobby Day. This event continues to tailor the outcome of public policy decisions and over 50 participants converged on Albany March 8th to advocate for our legislative priorities and fortify lawmaker relationships. Agriculture and Markets Commissioner Richard Ball addressed attendees during the morning briefing and our members fanned out throughout the legislative halls to advocate for our priorities.

Government is run by those who show up and we encourage you to show up next year for the Turfgrass Lobby Day. It is a great way for the "grass roots" to engage.

Here is a summary of the results from the 2017 legislative session.

Turfgrass Environmental Stewardship Fund

For over a decade, the State Budget has annually appropriated funds for the Turfgrass Environmental Stewardship Fund. This program provides financial support for projects focusing on issues critical to the health and viability of the turfgrass/ horticulture community. We requested \$200,000 for the program again this year, given the large number of applications from valid research proposals. However, the final State Budget agreement included \$150,000 for the program, the same amount appropriated previous years. Senator Rich Funke deserves much praise

and appreciation for the role he played in spearheading this appropriation.

Fee Parity for 3A and 3B Certified Applicators

Our industry represents the clear majority of 3A and 3B certified pesticide applicators and NYAFEC has been committed to successfully reducing the annual certification fee for this applicator class to, align it with the rest of the certified applicator world (\$150 per year). Once again, this issue was a priority budget issue and we worked diligently to line up all the political pieces to get this job done. Unfortunately, the legislative efforts fell short on getting this small budget provision across the goal line. The State Senate Environmental Conservation Committee Chair Tom O'Mara championed this issue for us and the provision was included in the Senate Budget resolution. In the meantime, Assemblyman James Skoufis introduced legislation to reduce the 3A/ 3B Certified Applicator fees and worked tirelessly in his house to keep the budget negotiations moving forward. The Governor's Office and the Department of Environmental Conservation (DEC) indicated their willingness to support the measure and our research demonstrated that the fiscal impact to the State from this fee change would be minimal. Unfortunately, despite Assemblyman Skoufis' hard work, Assembly Environmental Conservation Committee leadership remained unwilling to negotiate the issue and therefore, once again, the fees were not lowered. We remain committed to address this inflexibility as it continues to stifle good public policy.

Urban Landscapes Management Plan:

A new initiative this year, the concept of a voluntary comprehensive management plan to guide landscapers and homeowners, grew out of the realization that this sector of the landscape/ horticulture community does not have the opportunity to access "best management practices" for guiding important nutrient and pest management decisions. Therefore Cornell's Dr. Frank Rossi agreed to develop a proposal and NYAFEC led a coalition of stakeholder organizations to cultivate and achieve state support for the initiative. This management plan, like the Golf Course Management Plan, includes a series of best management practices that address nutrient and pest management issues within a residential/ commercial landscape environment. It is designed to be useful to commercial landscapers and homeowner do-it-yourselfers. A onetime appropriation of \$250,000 was sought from the State during the budget process.

The NYAFEC led coalition worked hard to educate lawmakers about the importance of supporting this initiative and Senator Tom O'Mara was our chief champion for this proposal. Unfortunately, budget dollars were spread too far and too thin to support the initiative this year. Nevertheless, we created much legislative interest and support for this proposal during its first budget consideration.

Looking forward, we are actively pursuing alternative funding sources, from the public and private sectors, to accomplish our goal. We believe that this management plan will help defend against future legislative proposals to restrict or ban nutrients and/or pesticides within the realm of the commercial landscape community.

Pesticide Management Education Program:

Cornell University's Pesticide Management Education Program (PMEP) has distinguished itself for the high quality educational materials and programs provided for the certified applicator community. Since federal government funding dried up a couple of years ago, Cornell has been trying to establish a line of state funds that will help sustain the program. PMEP has limped along with revenues from the sale of their guidance manuals, but revenues from this enterprise are not sufficient to sustain the entire program. NYAFEC prioritized this program as one of its budget issues and collaborated with Cornell and the greater agriculture/horticulture community to advocate for dollars (\$250,000) in

the state budget. Unfortunately, this program, like other pesticide related budget items, did not receive favorable support from Assembly leadership and did not survive the budget negotiations.

Pollinators:

Governor Cuomo released a highly acclaimed pollinator management plan in the spring of 2016. 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. Since then the discussions pertaining to pollinator issues have reference various management practices offered in the plan as reasonable solutions. The FY 2017-18 State Budget included \$500,000 to implement the management plan and to continue research at Cornell examining various aspects of the pollinator risk factors. Nevertheless, two bills were introduced by State Senator Brad Hoylman (S.128, S.6341) that would ban specific pesticides or classes of pesticides to reduce harmful threats to pollinators. Fortunately, neither bill was considered by the Senate Environmental Conservation Committee and we believe that the Pollinator Management Plan was a significant factor in keeping these bills pent up.

Integrated Pest Management (IPM):

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 an Environmental Protection Fund appropriation of \$1 million for the agricultural program and \$550,000 for Community IPM. NYAFEC, along with the greater agriculture industry, supported the Governor's request. However, once again, the budget negotiations were bogged down when the Assembly staff tried to leverage their appropriation support with an IPM definition that relegated pesticides to a last alternative option in the IPM toolbox. The senate and Governor's Office knew where NYAFEC and other industry advocates stood on the IPM definition issue and rejected the Assembly's effort. The final budget bill included \$1 million for Ag and \$550,000 for Community IPM.

As in previous years, NYAFEC actively supported legislation that defines IPM in a manner that recognizes all pest control options, including pesticides. We actively supported A.526 (Gunther) / S.524 (Young) as a counterbalance to the threat from several bills that want to define IPM as essentially "anything but pesticides". The Senate passed S.524 (Young) before the end of their session but once again the Assembly Environmental Conservation Committee chose to consider a bill sponsored by Assemblyman Zebrowski, A.1455, that would relegate pesticides to the bottom of the IPM toolbox bill. The Zebrowski bill passed out of the Assembly Environmental Conservation Committee and remained in the Ways and Means Committee 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 the following bills that would establish a very damaging definition for IPM in New York.

- A.1455 (Zebrowski) - IPM in day care, Head Start, schools
- A.5461 (Englebright) / S.2227 (Parker) - IPM in hospitals
- A.6678 (Englebright) - IPM in day care facilities
- A.5569 (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.441 (Paulin) / S.1371 (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 exist on campgrounds, such as poison ivy and wasps, 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 Paulin bill advanced to the Assembly floor where it remained through the end of session. The Senate took no action on the Carlucci bill.

Expansion of the Pesticide Reporting Program: A.5185 (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. The bill moved to the Assembly floor, but did not pass prior to the end of the legislative session.

Pesticide Application Information on Commercial Sod Sold in New York: A.6610: Assemblyman Englebright introduced a new bill this year requiring commercial sod, sold in New York, include information about pesticides applied to the turf before it was harvested for sale. A.6610 would require the information be passed along to the end user, by the wholesaler or retailer. The bill remained in the Assembly Agriculture Committee.

Phase out of pesticides on state property / parks: A.4265 (Kavanagh) S.154 (Squadron) would eliminate the use of pesticides on state property. A.4906 (Rosenthal) S.3086 (Serrano) would prohibit non-emergency pesticide applications within municipal parks. These bills did not move out of their respective environmental conservation committee. Nevertheless, we must continue to watch as these types of bills can gather a head of steam quite quickly.

Roundup Bans: Several bills were introduced to ban Roundup (glyphosate) from use in New York. None of them moved through the committee process. NYAFEC opposed the all.

- A.4971 (Rosenthal) S.3210 (Serrano)
- S.126 (Hoylman)
- S.127 (Hoylman)

Emerald Ash Borer Tree removal tax credit/ deduction: Legislation, incentivizing the removal of ash trees infested by the emerald ash borer, was introduced in two different versions. A.8016 (Bronson) S.5444 (Ranzenhofer) would provide a tax deduction to qualified individuals for the removal of EAB of trees impacted by the emerald ash borer. A.7375 (Englebright) S.1806 (Kennedy) would create a tax credit for qualified individuals for the removal of EAB infested trees. All bills remained in their respective committee of jurisdiction: Assembly: Ways and Means Committee and Senate: Investigations and Government Operations.

GREENPAC: NYAFEC's political success is a function of several factors, including our PAC's ability to support those elected officials who actively work for our interests. Election campaigns are expensive and completely funded by private sources. Therefore, every dollar and the source of every dollar impacts a legislator's attitude and orientation towards public policy once the campaign is over. We encourage all NYAFEC members to actively support GREENPAC because collectively we can have an impactor on those we want to support. Personal contributions are now unlimited or corporate contributions (up to \$5,000) can be made to GREENPAC and sent to:

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For more information about NYAFEC, its mission and goals, please visit our website at www.nyafec.org or contact NYAFEC Chairman Larry Wilson at nyafec@optonline.net