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New York Alliance for Environmental Concerns 2018 NYS Legislative Session Wrap-Up

The 2018 NYS Legislative Session drew to a close late Wednesday June 20th and the adjournment marked a successful year for the New York Alliance for Environmental Concerns. This year's accomplishments can be measured by what was enacted in the State Budget and by what was stopped during the remainder of the session. Here's a summary of notable accomplishments in 2018.

The State Budget has evolved to become more than a spending plan for state agencies. Governor Cuomo took advantage of his constitutional authority to leverage many non-spending plan initiatives into the budget. Likewise, Senate and Assembly leaders have used the budget negotiation process to achieve many of their non-budget priorities. Thus, NYAFEC exploited the opportunity to address several of our priorities.

Fee Parity for 3A and 3B Certified Applicators: This long-standing issue was finally addressed in the 2018-19 State Budget. Thanks to the leadership of Senator Tom O'Mara and Assemblyman James Skoufis, we successfully created parity among certified pesticide applicators through a \$50 per year reduction of 3A and 3B registration fees. This issue was created several years ago when the Paterson Administration doubled all registration fees, creating an unfair situation for landscapers. Through the support of the legislative leaders and the Department of Environmental Conservation, state law has been amended to fix the problem. In addition, the 3A/3B registration period will be three years rather than one year, thus reducing the annual paperwork burden. The DEC has already begun implementing the fee reductions.

Turfgrass Environmental Stewardship Fund (TESF): This annually funded program provides essential dollars to research and outreach projects that support the growth and development of greater turfgrass industry. Historically the TESF has supported university research on disease resistance and control, varietal development and management practices. The Best Management Practices (BMP) for New York State Golf Courses was substantially supported by the TESF. This year NYAFEC, in concert with the NYS Turfgrass Association, lobbied for a \$200,000 appropriation to sustain this highly acclaimed program and it was a priority for the 2018 Turfgrass Lobby Day, February 28th. We were successful, through our collective efforts, to secure a \$150,000 appropriation within the State Budget and much thanks goes to the leadership of Senator Rich Funke and Assemblyman Bill Magee. Their tireless efforts on behalf of our industry are highly appreciated!

Pesticide Management Education Program (PMEP): This distinguished program has served the agriculture/ horticulture industries for many years, primarily supported by federal funding. Unfortunately, the federal funds dried up, placing the program in peril. The industry has relied on PMEP for pesticide certification education, product application guidance, section 18 applications, among other professional assistance. Loss of this program would be devastating and, thanks to the leadership at the Department of Environmental Conservation, funding has been secured through the Environmental Protection Fund (EPF), part of the State Budget.

IPM Funding: New York's Integrated Pest Management Program has distinguished itself as one of the best in the country and the annual process of securing state funds is critical for sustaining this track record. IPM funding has been an annual priority for NYAFEC as we know the critical role the program plays in providing a tool box of options for effective pest control. This year, the Governor took the lead in proposing a one million appropriation from the EPF and NYAFEC endorsed this

recommendation. Further, the Community IPM Program received a \$600,000 funding recommendation in the Governor's budget and NYAFEC endorsed this recommendation as well. The legislature approved these recommendations after budget negotiators rejected an Assembly attempt to tie the money to a "pesticides as the last alternative" definition. Once again, this attempt was unsuccessful and New York's IPM programs remain outstanding in their fields.

The Invasive Species Program has served to identify and prioritize species that threaten to overwhelm native plant and animal varieties in New York. Through industry leadership, New York's program continues to evolve in a positive direction to address the high priority invasive threats. Funding for this program is provided through the Environmental Protection Fund and the Governor's budget recommendation was approved by the legislature. Thus, \$13.3 million was appropriated in the 2018-19 budget.

Pollinator Management Plan:

Pollinator threats remain a popular topic among legislators, landscapers, golf course superintendents, farmers and the public. Fortunately, New York State adopted a Pollinator Management Plan in 2016 and it continues to serve the state with thoughtful best management practices (BMP) to minimize threats facing wild and domesticated pollinators. This year's State Budget includes funding (\$800,000) for continued BMP updates and pollinator threats research. NYAFEC supports continued funding for the Pollinator Management Plan

Post Budget Legislative Actions

IPM Definition: One bill we strongly supported unfortunately did not pass both houses. Senator Young and Assemblymember Gunther sponsored legislation (S.524 /A.526) that would establish a statutory definition of integrated pest management that conforms to the DEC and USDA regulatory definitions. The law is needed to thwart efforts by the anti-pesticide lobby to create a definition that essentially excludes pesticides from the definition (as they attempted during the budget negotiations). The following bills, if passed into law, would also take pesticides out of the IPM tool box: A.1455 (Zebrowski), A.5461 (Englebright) / S.2227 (Parker), A.6678 (Englebright), A.5569 (Englebright).

The Young/ Gunther (good IPM definition) bill passed the Senate but was not considered by the Assembly. Nevertheless, our advocacy for the Gunther bill thwarts efforts to pass any of the other "bad IPM" bills.

Legislative Threats: The after budget legislative agenda consisted of several bills that threatened our industry. Fortunately, through our aggressive lobbying efforts, we were able to keep the following at bay: A.10274 (Englebright) legislation to ban Chlorpyrifos (this bill passed the Assembly but not the Senate), A.11093 (Englebright) legislation to ban neonicotinoids, A.10274 (Simon) S.3269 (Parker) legislation to permit citizen's suits for alleged environmental law violations, A.9677 (Galef) S.8045 (Carlucci) property tax assessments for golf courses and A.10276 (Englebright) S.8170 (Hannon) legislation to limit nitrogen fertilizer on commercial and residential landscapes.

The Englebright/ Hannon bill received intense lobbying pressure from Long Island environmental groups and the bill sponsors were very motivated to pass legislation. However, even though the Assembly passed the Englebright bill, the Senate did not take up the measure. Our success can be attributed to the strong coalition effort by individuals and organizations involved in Long Island's green industry. Golf course superintendents, professional landscapers, nursery landscape associations and others came together to fight the Englebright proposal through informing Senator Hannon of the inherent issues with the bill. Our participation in Senator Hannon's May 29th Long Island Roundtable discussion, along with offering better policy concepts, motivated the Senator to pursue alternative legislation (S.9099) that did not receive further Senate consideration.

It is safe to say that all the bills we successfully fended off in 2018 will return next year and we will remain diligent in our efforts to represent your interests.

Other Initiatives

Call-in-pay: This Department of Labor regulatory proposal would require employers to pay workers if work schedules are changed without a timely notice. NYAFEC filed comments on this proposal arguing that events completely out of employers' control, like weather, would dictate

labor costs. Even though we are still waiting for the DOL's revised proposal, it is safe to say that the business community's arguments pushed the proposal backwards. We will remain diligent on this front.

Coated Seed: The Attorney General initiated an investigation on seeds coated with neonicotinoid pesticides and the AG's office released several subpoenas to agronomic companies to gather information on the practice. DEC confirmed that US EPA has authority over this activity and it appears that there may be a concerted national effort to disparage coated seeds. At this point, the AG's effort seems to have quieted down, perhaps due to the change of attorney generals. We will continue to monitor the situation.

The pesticide reporting law (PRL) continues to be one of the most burdensome mandates facing the landscape horticulture community. Recently, the state Comptroller's Office launched an audit of the PRL Program and NYAFEC volunteered information to the Comptroller about the program's history of poor, untimely, irrelevant information. Further we shared information about the high cost of compliance by the industry and government. The Comptroller's report has yet to be released, but we will share it with you when available.

The Urban Landscape Management Plan remains on our radar screen and we are optimistic about future funding opportunities. Specifically, this plan is a great solution to the Long Island fertilizer management problem and can be an alternative to legislation that restricts or bans fertilizer products. We will continue to promote this initiative with folks at DEC and the Long Island Nitrogen Action Plan (LINAP).

Reform of DEC Title 10 pesticide use laws is on the "to do list" going forward. DEC officials would like industry guidance in formulating thoughtful reforms to make the program more workable for applicators and DEC officials. Through the creation of a task force, we will drill down on the issues, formulate recommendations and forward them to DEC.

GREENPAC: NYAFEC's political success is a function of several factors, including our PAC's ability to support those elected officials who show up and 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 impact 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 President Larry Wilson at nyafec@optonline.net