



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 171

December 23, 2022

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 8378-C, entitled:

“AN ACT to amend the environmental conservation law, in relation to prohibiting the application of pesticides to certain local freshwater wetlands”

NOT APPROVED

This bill would allow a local government that has implemented a freshwater wetlands protection law or ordinance in accordance with Environmental Conservation Law (ECL) § 24-0501 to adopt a local law or ordinance to prohibit the application of pesticides to wetlands it regulates.

Currently, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides New York State with the ability to conduct its pesticide program through cooperative agreements with United States Environmental Protection Agency (EPA). New York State strictly regulates pesticide use to ensure the protection of public health and environment. Every pesticide product used, distributed, sold, or offered for sale in New York must be registered by DEC and their use must follow stringent labeling instructions. DEC’s pesticide program is one of the most rigorous in the country. DEC staff conduct an extensive side-by-side comparison of EPA approved labels and container labels submitted for registration to ensure labels comply with all applicable laws, regulations and guidelines.

I fully support protecting New Yorkers and our precious natural resources from harmful pesticides whenever possible. However, this bill would undermine the integrity of DEC’s program, which is based on extensive scientific review and submission of supporting data. In order to maintain its primacy under FIFRA, DEC enters into cooperative agreements with EPA and reports quarterly to EPA on the pesticides program. These cooperative agreements require DEC to demonstrate how it has met the requirements of those agreements. These agreements allow the State to maintain a fair and consistent enforcement program for pesticide use and sale throughout the state.

Earlier this year we passed significant and essential improvements to the State’s wetlands protection program, safeguarding an estimated one million additional acres of unprotected wetlands habitat and helping New York adapt to increased flooding and severe storms fueled by climate change. This bill is unnecessary because of the State’s existing robust protections for freshwater wetlands, as demonstrated by the requirements of the aquatic pesticide permit, which is required for the direct application of an aquatic pesticide to surface waters of the State of an acre or more in size.

Further, this bill would lead to confusion and inconsistent application of State law among the regulated community, leading to the possibility of EPA rescinding primacy if they consider New York’s program to be inadequate, and could thereby ultimately result in a cascade of unintended consequences for pesticide regulation in New York. Therefore, I am constrained to veto this bill.

The bill is disapproved.

Ruth Hochstetler