

STATE OF NEW YORK

11278

IN ASSEMBLY

May 27, 2008

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the commercial application of aquatic antifouling paints

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 33-0922 of the environmental
2 conservation law, as amended by chapter 43 of the laws of 2007, is
3 amended to read as follows:

4 5. When engaged in the commercial application of aquatic antifouling
5 paints, an aquatic antifouling paint application business shall ensure
6 that such aquatic antifouling paints are only applied by an employee who
7 is a certified commercial pesticide applicator or technician certified
8 in the application of aquatic antifouling paint or an aquatic antifoul-
9 ing paint applicator, or a person who is a certified commercial pesti-
10 cide applicator or technician certified in the application of aquatic
11 antifouling paint or an aquatic antifouling paint applicator employed by
12 another registered business with which such business has contracted to
13 apply aquatic antifouling paints; provided, however, that until December
14 thirty-first, two thousand [~~seven~~ **eight**, aquatic antifouling paint may
15 be applied by a commercial pesticide apprentice who is employed by such
16 business (a) working under the direct supervision of a certified commer-
17 cial pesticide applicator, or (b) working under the supervision of a
18 certified pesticide technician qualified in aquatic antifouling paints,
19 if such application is otherwise done in compliance with the rules and
20 regulations of the department.

21 § 2. The department of environmental conservation shall translate the
22 antifouling paint applicator certification examination into Spanish, and
23 any other language the commissioner of environmental conservation deems
24 necessary, no later than September 30, 2008.

25 § 3. This act shall take effect immediately.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14953-02-8

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A11278

SPONSOR: Sweeney

TITLE OF BILL: An act to amend the environmental conservation law, in relation to the commercial application of aquatic antifouling paints

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to extend the existing authorization for the application of aquatic antifouling paints.

SUMMARY OF SPECIFIC PROVISIONS:

This bill would extend, until December 31, 2008, the authorization for the application of aquatic anti-fouling paints by commercial pesticide apprentices. In addition, the bill would also require the Department of Environmental Conservation to translate the antifouling paint applicator certification examination into Spanish, and any other language the Commissioner deems necessary, no later than September 30, 2008.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:

Amends subdivision 5 of §33-0922 of the Environmental Conservation Law.

JUSTIFICATION:

This legislation is intended to provide existing apprentices with additional time to become certified pesticide technicians.

PRIOR LEGISLATIVE HISTORY:

This is new legislation.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.