



MEMORANDUM IN SUPPORT

BIRDS AND BEES PROTECTION ACT

S.699B– HOYLMAN

A.7429-ENGLEBRIGHT

An Act to amend the environmental conservation law, in relation to enacting the birds and bees protection act; and providing for the repeal of certain provisions upon expiration thereof

Background

Pollinators (including but not limited to bees, beetles, butterflies, moths, and hummingbirds) are an indispensable component of our food web. There is substantial scientific evidence indicating that neonicotinoid pesticides (aka “neonics”) are a significant contributor to the unprecedented decline in pollinator health documented across our state and the nation. New York beekeepers now typically lose an astounding 40% or more of their hives every year. Neonics persist in soil for months, and in some circumstances, even years after being applied. At high doses, certain neonics can be highly lethal to bees and other pollinators, while causing difficulties in navigation and foraging, and impacting the immune system at sub-lethal levels.

Neonic contamination of New York’s waters is widespread, threatening our health and environment. A U.S. Fish and Wildlife study from 2018 found neonics in New York streams “in excess of toxicity and regulatory thresholds.” In 2016, extensive testing of New York surface water by the U.S. Geological Survey (USGS) found the neonic imidacloprid in nearly 40% of the samples. USGS monitoring of the Long Island aquifer that same year found imidacloprid to be one of the most frequently detected pesticides.

Justification

A recent report by Cornell University found that vast majority of neonics going into New York’s environment either: (1) provide little-to-no benefits to users; or (2) are easily replaced with safer alternatives. That means the heart of New York’s neonic problem can be addressed by restricting

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these needless uses, likely saving users money without resulting in a switch to more harmful pesticides. This legislation will:

- **Ban neonic-treated corn, soybean, and wheat seeds**, which account for about three-quarters of the neonics used in New York agriculture. The bill allows the Department of Environmental Conservation (DEC), in consultation with the Department of Agriculture and Markets (DAM) to suspend the ban for a particular type of seed if it finds (after public comment) that that seed is not commercially available (or reasonably likely to be) or that the purchase of non-treated seed would impose “unreasonable costs” on farmers.
- **Ban ornamental and turf (AKA, “cosmetic”) neonic uses** commonplace on lawns, golf courses, and manicured corporate gardens across the state. The bill contains DEC-controlled exemption for invasive species treatment, which would allow treatment for species like emerald ash borer or hemlock wooly adelgid where needed.
- **Require the state take a hard look at other neonic uses** and, where appropriate, designate them as “restricted use pesticides” with any necessary restrictions for protection of New York’s bee and bird populations.
- **Require a DEC study**, in consultation with DAM and Cornell, to identify “practicable and feasible” alternatives to neonic products.
- **Set effective dates**, with most provisions effective (and DEC must complete review/study by) January 1, 2023. The ban on neonic treated corn, soybean, and wheat seeds takes effect on January 1, 2024.

**CITIZENS CAMPAIGN FOR THE ENVIRONMENT SUPPORTS
S.699B/A.7429 – Birds and Bees Protection Act**

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