



MEMORANDUM OF SUPPORT

The Birds and Bees Protection Act – A7429 (Englebright et al.)/S699B (Hoylman et al.)

SUMMARY: A7429/S699B would prohibit hazardous uses of neonicotinoid or “neonic” pesticides that provide little-to-no benefits to users or are easily replaced with safer alternatives. It would: (1) prohibit the sale, purchase, or distribution of neonic-coated corn, soybean, and wheat seeds as of Jan. 1, 2024; (2) prohibit neonic use on turf and ornamental plants, except for agricultural production (e.g., nurseries, turf farms, etc.), as of Jan. 1, 2023; (3) require the Department of Environmental Conservation (DEC) to consider other neonic uses for “restricted use” designation, with any restrictions necessary to protect bird and bee populations; and (4) require DEC, in collaboration with the Department of Agriculture and Markets (DAM) and Cornell University, to study neonic alternatives.

The bill allows DEC to permit neonic treatment against invasive species (e.g., emerald ash-borer, hemlock wooly adelgid) where needed. DEC may also, in consultation with DAM, suspend the ban for a particular type of neonic-treated seed if it determines untreated seed of that type is not commercially available or if purchase of untreated seed would impose unreasonable costs.

STATEMENT IN SUPPORT: Pollinators provide an estimated \$439 million worth of in-state pollination services to apples, squash, tomatoes, blueberries, cherries, and other top crops. Yet, since the mid-2000s, New York beekeepers have typically lost 40% or more of their honey bee colonies every year. These losses threaten state agricultural production, impose costs on farmers and beekeepers, and suggest the potential for similar catastrophic losses for the state’s 400+ pollinating bee species, also critical for crop production and the vitality and viability of the state’s ecosystems.

Widespread scientific consensus identifies neonics as a leading and preventable cause of the pollinator crisis—including a recent massive, state-commissioned Cornell University analysis of over 1,100 peer-reviewed neonic studies (“Cornell Report”). A significant and growing body of research also links neonics to losses of birds, the collapse of fisheries, and birth defects in white-tailed deer. Data indicates neonics extensively contaminate New York soil and water (including 30% of samples from Long Island’s aquifer) at levels expected to cause this “ecosystem-wide damage.” Research also links neonics with harm to people—including malformations of the developing heart and brain—which is concerning given half the U.S. population is regularly exposed to neonics according to CDC monitoring.

Fortunately, most neonic uses are not needed. The Cornell Report finds that neonic-treated corn, soybean, and wheat seeds pose “substantial” risks to pollinators, but “no overall net-income benefits” to farmers. Similarly, it finds uses of neonics on lawns and ornamental plants pose some of the highest risks, but are typically not needed or replaceable with safer, effective alternatives.

A7429/S699B bans these needless uses—which account for all but a fraction of outdoor neonic use in New York. While stopping short of the across-the-board, outdoor neonic ban enacted in Europe, it represents trailblazing and much-needed action on neonics in the U.S., especially in light of decades-long federal inaction. It also closes a perceived regulatory loophole in DEC’s authority over neonic-treated corn, soybean, and wheat seeds. The act’s prohibitions do not affect other agricultural uses or invasive species treatment—taking effect in 2023 and 2024 to allow time for market adjustment.

A7429/S699B’s science-based, targeted approach in eliminating high-harm, low-to-no-benefit neonic uses will benefit New York’s farmers, beekeepers, food-purchasers, bees, birds, fish, deer, water supplies, and people—without disadvantaging users or necessitating a switch to more harmful pesticides. **NRDC strongly supports this legislation.**

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