

# STATE OF NEW YORK

7639--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

Introduced by M. of A. ENGLEBRIGHT, SAYEGH, SIMON, EPSTEIN, COOK, MOSLEY, STECK, D'URSO, JACOBSON, CRUZ, THIELE, HYNDMAN, GALEF, JAFFEE, O'DONNELL, GOTTFRIED, ORTIZ, FAHY, LIFTON, NIOU, BURKE, SEAWRIGHT, COLTON, GLICK, L. ROSENTHAL, WEPRIN, BARNWELL -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "birds and bees protection act".

3 § 2. Section 33-1301 of the environmental conservation law is amended  
4 by adding a new subdivision 12 to read as follows:

5 12. a. Beginning January first, two thousand twenty-one, a manufactur-  
6 er shall not sell or offer for sale, any pesticides with the active  
7 ingredients clothianidin, imidacloprid, thiamethoxam, dinotefuran,  
8 acetamiprid, thiacloprid, nithiazine, or fipronil within the state.

9 b. Beginning July first, two thousand twenty-one, a person shall not  
10 sell, offer for sale, or use pesticides with the active ingredients  
11 clothianidin, imidacloprid, thiamethoxam, dinotefuran, acetamiprid,  
12 thiacloprid, nithiazine, or fipronil within the state.

13 c. By January fifteenth, two thousand twenty-six, the commissioner, in  
14 consultation with the commissioner of agriculture and markets, shall  
15 report to the legislature on:

16 (1) the latest published and peer-reviewed evidence on whether use of  
17 neonicotinoids and fipronil causes unreasonable adverse effects on  
18 honeybees, native insect pollinators, and birds; and

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

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1 (2) the impacts, costs, and benefits to resuming the use of such  
2 insecticides.

3 d. This subdivision shall not apply to; (i) pet care products used to  
4 mitigate fleas, mites, ticks, heartworms, or other animals that are  
5 harmful to the health of a domesticated animal; (ii) personal care  
6 products used to mitigate lice and bedbugs; (iii) indoor pest control  
7 products used to mitigate insects indoors, including ant bait; and (iv)  
8 trunk injections to mitigate invasive species.

9 § 3. Section 49-0203 of the environmental conservation law is amended  
10 by adding a new subdivision 5 to read as follows:

11 5. The department shall consider a strategy for the development of  
12 pollinator friendly lands including, but not limited to, the planting of  
13 vegetation and the use and timing of pesticide applications to protect  
14 and promote the health and well-being of pollinators. For the purposes  
15 of this subdivision, pollinators shall include birds, bees and other  
16 insects that move pollen from one plant to another.

17 § 4. Section 11-0305 of the environmental conservation law is amended  
18 by adding three new subdivisions 19, 20 and 21 to read as follows:

19 19. In consultation with the department of state, to develop and  
20 distribute to municipal governments a pamphlet on the importance of  
21 replacing steady lights on any tower with a flashing light for the  
22 purpose of preventing migratory bird mortality. Such pamphlet shall also  
23 be made available on the department's and the department of state's  
24 websites.

25 20. In consultation with New York state's land grant university, to  
26 develop and distribute to all wind turbine applicants and operators in  
27 the state information on migratory bird flight routes and timing includ-  
28 ing, at a minimum, information on how to minimize negative impacts to  
29 migratory birds and their habitats, and current best practices for  
30 preventing bird mortalities resulting from impacts with wind turbines.  
31 Such information shall also be made available on the department's  
32 website.

33 21. In cooperation with the department of transportation, to make  
34 recommendations on the species of plantings, mowing, and the use and  
35 timing of pesticide applications on right of ways and parkways.

36 § 5. This act shall take effect on the ninetieth day after it shall  
37 have become a law; provided, however, that subdivision 12 of section  
38 33-1301 of the environmental conservation law, as added by section two  
39 of this act, shall expire and be deemed repealed July 1, 2026. Effective  
40 immediately, the addition, amendment and/or repeal of any rule or regu-  
41 lation necessary for the implementation of this act on its effective  
42 date are authorized to be made and completed on or before such effective  
43 date.