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:

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

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

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

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

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

(1) the latest published and peer-reviewed evidence on whether use of neonicotinoids and fipronil causes unreasonable adverse effects on 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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(2) the impacts, costs, and benefits to resuming the use of such insecticides.

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

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

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

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

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

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

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

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