# STATE OF NEW YORK

7400

2021-2022 Regular Sessions

# IN SENATE

September 24, 2021

Introduced by Sen. RATH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the agriculture and markets law, in relation to pollinator protection

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

Section 1. Legislative findings. The legislature finds that the protection of pollinators, including both wild pollinators and managed bees, is of critical importance to the environment and to all agricultural industries in the state. To address the losses of managed pollinator colonies observed by beekeepers in the early part of this century, the department of agriculture and markets and the department of environmental conservation adopted the New York state pollinator protection plan in June, 2016, with the goal of developing a plan for New York state to protect, conserve and increase pollinators in the state. The New York state pollinator protection plan identifies best management practices, habitat enhancement projects, research, and outreach and education as critical to reversing declining pollinator populations. The plan increases awareness of the health issues challenging the pollinator community among all parties that interface with pollinators. The New York state pollinator protection plan recognizes that the single greatest threat to pollinators are the diseases that currently exist among the bee population, and control of those diseases is the best remedy to address a decline in pollinator populations. However, the New York state pollinator protection plan also outlines better ways of doing business for those entities engaged in activities that can affect pollinator viability, as well as ways to enhance and create habitats to support and increase New York's pollinator population. The New York state pollinator protection plan achieves that goal through the development and recommendation of best management practices for all sectors of the agricultural industry that manage and use pollinators, and all other parties whose

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

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activities may impact pollinators. This legislation will provide additional guidance to all parties who may impact pollinators on actions that must be taken to preserve and protect New York's pollinator population.

§ 2. Article 15-A of the agriculture and markets law is renumbered article 15-B and a new article 15-A is added to read as follows:

**ARTICLE 15-A**

**POLLINATOR PROTECTION AND MANAGEMENT**

**Section 175-e. Definitions.**
**175-f.Use of best management practices.**
**175-g. Communication regarding pollinators.**
**175-h. Best management practices for eliminating insecticide dust.**
**175-i. Public access to information.**
**175-j. Updating best management practices.**
**175-k. Rules and regulations.**

**§ 175-e. Definitions. When used in this article:**

**1. "Pollinator protection plan" shall mean the plan entitled the "New York state pollinator protection plan" adopted by the department and the department of environmental conservation in June two thousand sixteen, as updated in June two thousand eighteen, December two thousand twenty, and from time to time thereafter.**

**2. "Best management practices" shall mean the methods and techniques used to achieve a desired outcome in an efficient and cost-effective manner. Best management practices in this article shall be consistent with the best management practices adopted in the pollinator protection plan.**

**§ 175-f. Use of best management practices. Best management practices, including those prescribed by an integrated pest management program, shall be used by all parties whose activities may impact pollinators, including but not limited to beekeepers, contract beekeepers, landowners and growers, pesticide users and the executive agencies of the state.**

**§ 175-g. Communication regarding pollinators. Best management practices for pollinator protection shall include the development of protocols to increase communication between beekeepers, farmers and growers, and pesticide applicators. The communication protocols shall include, but not be limited to education and outreach to beekeepers, farmers and growers and pesticide applicators, and the best management practices shall require that specific communications be employed to share information about pollinators among those parties.**

**§ 175-h. Best management practices for eliminating insecticide dust. On or before January first, two thousand twenty-two, the department, in consultation with the department of environmental conservation and New York state's land grant university, shall develop best management practices for minimizing the airborne liberation of insecticide dust from seeds coated or treated with an insecticide and mitigating the effects of such dust on pollinators. Such best practices shall include, but not be limited to:**

**1. methods to minimize such dust when treated seeds are dispensed from a seed bag into seed planter equipment;**

**2. guidance on the positioning of the vacuum system discharge of seed planter equipment to direct such discharge towards the soil;**

**3. time frames for the mowing of flowering vegetation located next to crop fields;**

**4. identification of weather conditions that minimize drift of such dust; and**

5. suggestions for the use of seed lubricants to effectively minimize the drift of such dust.

§ 175-i. Public access to information. Best management practices developed in accordance with this article shall be available to the individuals required to use such best management practices, and to the general public, on the department's website within thirty days of the adoption of such best management practices.

§ 175-j. Updating best management practices. In every update of the pollinator protection plan, the plan's best management practices shall be reviewed and updated to take into account new research and information on pollinators and the evolution of new strategies for improving pollinator health. If there is no update of the pollinator protection plan in a five-year period, the best management practices shall be reviewed and updated in the same manner in which updates of the pollinator protection plan are developed. The commissioner and the commissioner of environmental conservation shall consult, as needed, with New York state's land grant university when updating the pollinator protection plan.

§ 175-k. Rules and regulations. The commissioner is hereby authorized to adopt, promulgate and issue such rules and regulations as the commissioner may deem necessary to carry out and give full force and effect to the provisions of this article.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.