

# STATE OF NEW YORK

699

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, COMRIE, GOUNARDES, HARCKHAM, KAPLAN, KAVANAGH, KRUEGER, MYRIE, SALAZAR, SEPULVEDA, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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-three, a manufac-  
6 turer 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-three, 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-eight, the commissioner,  
14 in 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

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

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

LBD02576-01-1

1 d. This subdivision shall not apply to pet care products used to miti-  
2 gate fleas, mites, ticks, heartworms, or other animals that are harmful  
3 to the health of a domesticated animal; personal care products used to  
4 mitigate lice and bedbugs; and, indoor pest control products used to  
5 mitigate insects indoors, including ant bait.

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

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

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

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

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

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

33 § 5. Within twelve months of the effective date of this act, the advi-  
34 sory committees established in section 11-2003 of the environmental  
35 conservation law shall issue recommendations to the legislature and the  
36 state fire prevention and building code council established pursuant to  
37 section 374 of the executive law, regarding window bird strike  
38 prevention. Such recommendations shall at minimum include:

39 (1) measures that could be taken to identify existing and emerging  
40 products, technologies, strategies and concepts which can reduce or  
41 eliminate bird mortality from building collisions;

42 (2) criteria for identifying and prioritizing existing buildings and  
43 building features which pose the most significant danger for bird colli-  
44 sions; and

45 (3) potential funding sources to fund the retrofitting and/or replace-  
46 ment of windows.

47 The advisory committee is authorized to hold hearings to facilitate  
48 the development of such recommendations.

49 § 6. This act shall take effect on the ninetieth day after it shall  
50 have become a law; provided, however, that subdivision 12 of section  
51 33-1301 of the environmental conservation law, as added by section two  
52 of this act, shall expire and be deemed repealed July 1, 2028. Effective  
53 immediately, the addition, amendment and/or repeal of any rule or regu-  
54 lation necessary for the implementation of this act on its effective  
55 date are authorized to be made on or before such date.