

# STATE OF NEW YORK

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7400

2021-2022 Regular Sessions

## IN SENATE

September 24, 2021

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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:

1 Section 1. Legislative findings. The legislature finds that the  
2 protection of pollinators, including both wild pollinators and managed  
3 bees, is of critical importance to the environment and to all agricul-  
4 tural industries in the state. To address the losses of managed pollina-  
5 tor colonies observed by beekeepers in the early part of this century,  
6 the department of agriculture and markets and the department of environ-  
7 mental conservation adopted the New York state pollinator protection  
8 plan in June, 2016, with the goal of developing a plan for New York  
9 state to protect, conserve and increase pollinators in the state. The  
10 New York state pollinator protection plan identifies best management  
11 practices, habitat enhancement projects, research, and outreach and  
12 education as critical to reversing declining pollinator populations. The  
13 plan increases awareness of the health issues challenging the pollinator  
14 community among all parties that interface with pollinators. The New  
15 York state pollinator protection plan recognizes that the single great-  
16 est threat to pollinators are the diseases that currently exist among  
17 the bee population, and control of those diseases is the best remedy to  
18 address a decline in pollinator populations. However, the New York state  
19 pollinator protection plan also outlines better ways of doing business  
20 for those entities engaged in activities that can affect pollinator  
21 viability, as well as ways to enhance and create habitats to support and  
22 increase New York's pollinator population. The New York state pollinator  
23 protection plan achieves that goal through the development and recommen-  
24 dation of best management practices for all sectors of the agricultural  
25 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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1 activities may impact pollinators. This legislation will provide addi-  
2 tional guidance to all parties who may impact pollinators on actions  
3 that must be taken to preserve and protect New York's pollinator popu-  
4 lation.

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

7 ARTICLE 15-A

8 POLLINATOR PROTECTION AND MANAGEMENT

9 Section 175-e. Definitions.

10 175-f. Use of best management practices.

11 175-g. Communication regarding pollinators.

12 175-h. Best management practices for eliminating insecticide  
13 dust.

14 175-i. Public access to information.

15 175-j. Updating best management practices.

16 175-k. Rules and regulations.

17 § 175-e. Definitions. When used in this article:

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

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

28 § 175-f. Use of best management practices. Best management practices,  
29 including those prescribed by an integrated pest management program,  
30 shall be used by all parties whose activities may impact pollinators,  
31 including but not limited to beekeepers, contract beekeepers, landowners  
32 and growers, pesticide users and the executive agencies of the state.

33 § 175-g. Communication regarding pollinators. Best management prac-  
34 tices for pollinator protection shall include the development of proto-  
35 cols to increase communication between beekeepers, farmers and growers,  
36 and pesticide applicators. The communication protocols shall include,  
37 but not be limited to education and outreach to beekeepers, farmers and  
38 growers and pesticide applicators, and the best management practices  
39 shall require that specific communications be employed to share informa-  
40 tion about pollinators among those parties.

41 § 175-h. Best management practices for eliminating insecticide dust.  
42 On or before January first, two thousand twenty-two, the department, in  
43 consultation with the department of environmental conservation and New  
44 York state's land grant university, shall develop best management prac-  
45 tices for minimizing the airborne liberation of insecticide dust from  
46 seeds coated or treated with an insecticide and mitigating the effects  
47 of such dust on pollinators. Such best practices shall include, but not  
48 be limited to:

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

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

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

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

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

3 § 175-i. Public access to information. Best management practices  
4 developed in accordance with this article shall be available to the  
5 individuals required to use such best management practices, and to the  
6 general public, on the department's website within thirty days of the  
7 adoption of such best management practices.

8 § 175-j. Updating best management practices. In every update of the  
9 pollinator protection plan, the plan's best management practices shall  
10 be reviewed and updated to take into account new research and informa-  
11 tion on pollinators and the evolution of new strategies for improving  
12 pollinator health. If there is no update of the pollinator protection  
13 plan in a five-year period, the best management practices shall be  
14 reviewed and updated in the same manner in which updates of the pollina-  
15 tor protection plan are developed. The commissioner and the commissioner  
16 of environmental conservation shall consult, as needed, with New York  
17 state's land grant university when updating the pollinator protection  
18 plan.

19 § 175-k. Rules and regulations. The commissioner is hereby authorized  
20 to adopt, promulgate and issue such rules and regulations as the commis-  
21 sioner may deem necessary to carry out and give full force and effect to  
22 the provisions of this article.

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