

UPDATE ON NEW YORK'S BIRDS & BEES ACT

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GOVERNOR HOCHUL SIGNS “BIRDS & BEES ACT” WITH CHAPTER AMENDMENTS

- On December 22, 2023, New York Governor Kathy Hochul signed into law the “Birds & the Bees Act” (S.1856-A/A.7640) with chapter amendments
- In the Governor’s press release announcing the bill signing, representatives from a myriad of groups expressed support for this action including the Natural Resources Defense Council, National Audubon Society, Sierra Club Atlantic Chapter, NY League of Conservation Voters, Physicians for Social Responsibility, Northeast Organic Farming Association of New York, NY Farm Bureau, & NY Corn & Soybean Growers Association

GOVERNOR HOCHUL'S APPROVAL MEMO

- “While I am supportive of this bill, there were changes needed to ensure DEC and the Department of Agriculture and Markets (AGM) can successfully implement this new law while allowing New York’s agriculture sector to continue operations. Changes were necessary to provide DEC and AGM with regulatory authority to develop a waiver process for farmers to address pest problems, to provide additional time for the regulated community, many of which are already taking steps to move toward more sustainable and integrated pest management practices, to come into compliance with this law, and to make technical changes so that DEC and AGM can successfully implement this nation leading law.”

OVERVIEW OF CHAPTER AMENDMENTS

- Under the chapter amendments (A. 8571/S. 8031), beginning January 1, 2029, it shall be unlawful for any person to sell, offer for sale or use, or distribute within the state any corn, soybean or wheat seeds coated or treated with neonicotinoid pesticides unless a waiver is issued by the Department of Environmental Conservation.
- The chapter amendments substitute the agencies' ability to suspend the ban on treated seeds with a waiver structure to provide for more individualized and targeted accommodation of farming needs.
- DEC is expressly authorized to issue a waiver to allow for the use of corn, soybean, and wheat seed treated with neonicotinoid insecticides for the production of agricultural commodities
- DEC is directed to promulgate regulations – in conjunction with the Department of Ag & Markets – implementing the waiver process

OVERVIEW OF CHAPTER AMENDMENTS

- Under the chapter amendments, farmers must complete integrated pest management training and conduct a pest risk assessment and pest risk assessment report in order to be granted a waiver
- The waivers are valid for two years, at which time farmers will have to reapply
- Chapter amendments further direct DEC and AGM, in consultation with Cornell University, to conduct a study identifying practicable and feasible alternatives to the use of neonicotinoid pesticides, and submit the result to the Legislature by January 1, 2026

OVERVIEW OF CHAPTER AMENDMENTS

- The chapter amendments (A. 8571/S. 8031) must go through the normal legislative process; The measure is expected to pass the Legislature in the 4-6 weeks