



**New York Farm Bureau**  
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# MEMORANDUM OF OPPOSITION

## **A. 7429-A (Assemblyman Englebright)**

### **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**

**Date: 3/21/2022**

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New York Farm Bureau, the state's largest general farm advocacy organization, continues to have concerns with the amended version of this legislation.

Farmers depend upon pollinators, like bees, for their businesses and already employ many strategies on the farm to negate the impacts to pollinator health. Bee health is dependent upon many variables, including proper hive management, parasites, disease, loss of habitat, and climate change in addition to potential chemical exposure. Research has shown that the timing and the way pesticides are used can be adjusted to protect pollinators, and Best Management Practices define those manners of pesticide usage.

While the requirement for Department of Environmental Conservation (DEC) to regulate seed treatments, has been removed from the amended legislation, New York Farm Bureau strongly opposes the prohibition on the sale or use of any neonic-treated corn, soybean, or wheat seed by January 1, 2025. Seed treatments are critical insecticides utilized by the agricultural industry throughout the state. Neonicotinoid seed treatments have proven to be effective in controlling their target pests which can have devastating impacts on crop production, often rendering it worthless, due to the significant pest damage. If farmers are not able to employ neonic seed treatments, they would have to revert to using much greater quantities of older pesticide products whose chemistries are substantially more environmentally damaging and hazardous to humans.

In addition, the amended legislation includes the opportunity for an Executive Order to be issued allowing for the use of treated seed, if untreated and legislatively compliant seeds are not available in New York. Farmers buy needed seed in the fall or winter prior to planting the following spring. Before purchase, farmers work with family, agronomists, and seed dealers to determine planting rotations, schedules, and strategy. The use of an Executive Order exemption adds a complete lack of clarity and stability to the timing and execution of this process.

New York Farm Bureau also disagrees with the proposed phase-out of neonicotinoids for outdoor ornamental plants and turf, as it would force nursery and landscape operations to use more harmful pesticide products. Banning neonicotinoids, which are used because they are less harmful to mammals and humans, may encourage increased use of pyrethrins and organophosphates, which are very harmful to pollinators.

Further, we appreciate the exemption of these requirements in the case of a “valid environmental emergency,” which we assume could be used in the case of needed control of invasive species. However, the definition should be changed to specifically include invasive species control in the legislation.

This legislation continues to set a dangerous precedent, usurping a state regulatory agency’s statutory responsibility to review and register pesticides in New York State. Farmers have consistently relied on the DEC for regulations and scientific credibility. It is important for the agriculture, horticulture, and forestry industries to access the tools they need to continue to provide food, fiber, renewable energy, forest products and safe recreational environments for all New Yorkers.

For these reasons, New York Farm Bureau respectfully requests your opposition to this legislation.