



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

www.esfpa.org

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Memorandum of Opposition **A 1615/S 262**

Honorable Linda Rosenthal
Member of Assembly
943 LOB
Albany, NY 12248

Honorable Jose Serrano
Senator
420C Capital
Albany, NY 12247

January 31, 2023

Dear Assembly Member Rosenthal and Senator Serrano:

The Empire State Forest Products Association (ESFPA) represents over 350 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.9 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors.

A 1615/S 262 would prohibit any state department, agency, public benefit corporation or any pesticide applicator employed thereby as a contractor or subcontractor to apply glyphosate on state property. This legislation, was originally passed in 2021 (S. 6502-A) and signed Chapter 378 of the Laws of 2021 and subject to agreed upon Chapter Amendments. These Chapter Amendments (S. 899) were signed as Chapter 19 of the Laws of 2022. These amendments established narrow exemptions for the continued use of glyphosate on State property for specified management purposes.

Originally this legislation focused on state and municipal parklands but is now applicable to any state owned property, including State Reforestation Areas whose purpose is, in large part, to provide a supply of fiber and timber in support of New York's forest products sector. It is also unclear if this legislation extended to the nearly 900,000 acres of private property with state "working forest conservation easements" encumbered on them as an additional means of keeping forests as forest and supporting the states forest products economy.

ESFPA is not opposed to addressing the concerns or potential environmental or health threats related to the use of glyphosate. In fact, we support rigorous testing and application standards for the use of any chemical herbicide or pesticide in New York. We are, however, concerned with the unilateral legislative prohibition of any herbicide (and in New York many pesticides) which are already strictly controlled by the U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (DEC). New York is one of a few

states that has an extensive scientific product review process that compliments, and in some instances exceeds the same type of process used by EPA.

New York is the epicenter of importation of invasive plants and diseases. With over 70 known invasive forest plants and pests, our forests are under assault and our forest land managers are using every possible tool to address these pests and diseases and the impacts they are having on forest health. No entity uses chemicals in forests lightly as they are expensive and there is an economic as well as ethical responsibility to use natural biologic controls to combat forest pests and diseases whenever possible. Regrettably, often there are no other recourses and more holistic and natural courses have been rendered useless due to the magnitude of the problem.

Glyphosate is a product that has proven effective, and in some instances is the only herbicide available to address some invasive plant species. Used sparingly and under appropriate application guidelines, glyphosate is one way to effectively manage invasive plants and without this tool it will be even harder for the state to protect the forest from invasive plants.

ESFPA supports efforts to address environmental and public health issues posed by an ever-increasing number of products that may harm the environment or the public health which are used by the general public and professionals. However, we do not believe any shortcomings of the existing technical processes should be circumvented and that the Legislatures efforts would be better directed to addressing the financial or administrative resource needs of the agencies responsible for ensuring that the regulation of these products is timely and effective in protecting the public.

The Chapter amendments to this bill in 2022 alleviated some, but not all our concerns and is better than reverting back to a complete ban on glyphosate on State land. We also believe that the application of this legislation to State Reforestation Areas and potentially to working forest easement properties undermines the stewardship and management efforts of these properties in support of the state's forest based economy and overall health of forests in New York.

For these reasons we cannot support the passage of this legislation.

For More Information Contact:

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CC: Assembly Environmental Conservation Committee Members
Senate Environmental Conservation Committee Members