



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 7429/S 699-B**

Honorable Steven Englebright

Member of Assembly

621 LOB

Albany, NY 12248

Via email: EngleS@nyassembly.gov

Honorable Brad Hoylman

Senator

310 LOB

Albany, NY 12247

Via email: hoylman@nysenate.gov

May 7, 2021

Dear Assembly Member Englebright and Senator Hoylman:

The Empire State Forest Products Association has concerns with **A. 7429/S. 699-B** the Birds and Bees Act. This legislation would prohibit the sale of pesticides containing neonicotinoids and eliminate an important tool that foresters and forest landowners depend on to protect our forests from pest damage. With over 70 known invasive forest pests and diseases, New York has more invasives than any other state in America. New York is the epicenter of invasive pests and diseases and we need every effective tool at our disposal to respond to these pests and diseases responsibly and safely.

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.

We appreciate the amendments to this legislation the sponsors have undertaken to address the concerns of agriculture and forestry stakeholders on these bills. However, more work needs to be done to ensure that the potential unintended consequences on our sectors are addressed. Specifically for forestry, we believe the exemption language afforded for invasive species would only apply to outdoor ornamental plants and turf.

Neonicotinoid insecticides are used globally to suppress a variety of tree, crop, and ornamental plant insect pests. Neonicotinoids have been implicated as part of a suite of contributors to widespread pollinator population decline; however, forest health in New York is currently being preserved by the ecologically sound use of neonicotinoid pesticides. Invasive forest pests, such as the hemlock woolly adelgid (HWA), emerald ash

borer (EAB), asian longhorned beetle (ALB) and the just emerging in New York spotted lanternfly (SLF) threaten to eliminate entire species, reduce the ecosystem services, impact forest aesthetics, adversely affect the forest-based economy and cause significant forest health damage that severely constrains our forests as a natural solution to climate change.

Neonicotinoids such as Imidacloprid and dinotefuran are essential tools for the suppression of these invasive pests and the resulting protection of our forest resources. Other neonicotinoids used to suppress tree pests include clothianidin, acetamidprid, and thiacloprid.

The soil and trunk application methods used in forested settings present a negligible risk to pollinators, as well as applicators. There is little risk of direct contact or indirect exposure of pollinators to when being used for HWA, EAB, ALB or SLF suppression. Restricting the low-risk use of neonicotinoids for forest pest suppression would be devastating to foresters, land managers, and homeowners, leaving them with little to no options to protect our natural and urban forests from these invasive insect threats.

This legislation, as well as several other bills before the New York Legislature relating to the control or prohibition of certain herbicides and pesticides, would also circumvent the rigorous technical and scientific review process that exists in New York. It also sets a precedent to make such decisions regarding the labeling, packaging, storage, use and application of pesticides and herbicides in the political realm as opposed to by the experts in the scientific and technical fields.

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. No professional forester or forest landowner takes the use of pesticides or herbicides lightly. They are expensive and we have an ethical responsibility to use these products prudently and responsibly. Neonicotinoids, when properly applied, can address all these issues safely, efficiently, and economically. If access to neonicotinoids is restricted or the product is removed from the market, this would create major limitations on forest landowners' ability to successfully manage their forests and improve forest health and regeneration.

For the above stated reasons, we cannot support this legislation as drafted. We would be happy to discuss amendments that could make this legislation supportable.

cc: Assembly Environmental Conservation Committee Members
Senate Environmental Conservation Committee Members

For More Information Contact:

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