March 18, 2019

Honorable Andrew Cuomo
Governor
New York State Capitol
Albany, NY 12224

Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Honorable Carl Heastie
Speaker
New York State Assembly
Albany, NY 12247

Honorable Todd Kaminsky
Chair, New York Senate Environmental Conservation Committee
New York State Senate
Albany, NY 12247

Honorable Steven Englebright
Chair, New York Assembly Environmental Conservation Committee
New York State Assembly
Albany, NY 12247

Re: Neonic Moratorium Needed to Protect New York’s Pollinators, Water, and People

Dear Governor Cuomo, Temporary President and Majority Leader Stewart-Cousins, Speaker Heastie, and Chairmen Kaminsky and Englebright:

On behalf of the undersigned organizations, businesses, and New Yorkers, we write to urge you to support a moratorium on outdoor uses of neonicotinoid insecticides (“neonics”) and other harmful systemic insecticides. A moratorium—such as the one outlined in the 2018 Birds and Bees Protection Act, introduced by Assembly Environmental Conservation Committee Chairman Englebright—is urgently needed to safeguard the state’s bees, birds, and other critical pollinators currently suffering severe losses and to protect its waters against documented, widespread neonic contamination.

Pollinators play an essential and irreplaceable role in New York’s rural communities and environment. Pollinator-dependent crops—including top crops such as apples, squash, blueberries, and peaches—contribute an estimated $1.2 billion annually to the state’s agricultural economy,1 while pollination of wild plants by native pollinators undergirds the functioning of

1 NY Dep’t Envtl. Conserv. (DEC) & NY Dep’t of Ag. and Markets (DAM), New York State Pollinator Protection Plan Update, 8 (Jun. 2018), https://on.ny.gov/2nBYgPW.
entire ecosystems. Yet, in the 2017-2018 season, New York beekeepers lost over 40% of their bee colonies, and the loss rate has hovered at or above that number for the past eight years. These losses not only impose costs on farmers and beekeepers, but suggest the potential for similar catastrophic losses for the state’s roughly 450 pollinating species.

While pollinator losses have particular relevance for New Yorkers, they are a worldwide phenomenon—part of the precipitous global insect losses sometimes dubbed the “insect apocalypse.” And though many factors contribute to the recent pollinator crisis, a widespread and growing scientific consensus identifies neonicotinoids and other harmful systemic insecticides as a leading and preventable cause. This includes findings by the European Food Safety Agency (EFSA), decisions by the Canadian Pest Management Regulatory Agency (PMRA), several risk assessments by the U.S. Environmental Protection Agency (EPA), two comprehensive worldwide academic assessments of neonic impacts on pollinators, and the largest pollinator field study to date (the last actually funded by the pesticide industry itself). In response to this already overwhelming and growing body of evidence, the European Commission voted to ban all outdoor use of three major neonicotinoids this past April, with Canada’s PMRA also recommending similar action.

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3 Cf. DEC & DAM, New York State Pollinator Protection Plan, 5-6 (Jun. 24, 2016), https://on.ny.gov/2KcTtOQ [hereinafter “NY Pollinator Plan”].


In the U.S., EPA’s repeated and ongoing delays in its own scientific review of neonicots13 and the Trump Administration’s unwillingness to prevent unsafe pesticide use,14 have left states with the responsibility to take the lead. Connecticut and Maryland passed laws prohibiting over-the-counter sales of neonic products,15 and earlier last year, the California Department of Pesticide Regulation put a freeze on any new pesticide approvals that would expand neonic use.16

New York itself became an early leader in pollinator protection when, in the mid-2000s, the New York Department of Environmental Conservation (DEC) refused to register outdoor uses of two major neonic chemicals—clothianidin and dinotefuran—citing concerns over water pollution and harms to pollinator health.17 Unfortunately, DEC has not addressed the actual and potential harms caused by hundreds of state-approved products containing two other neonic—imidacloprid and thiamethoxam—which pose equal if not greater risks. Any major efforts to protect pollinators from neonicos have stalled since the 2016 New York State Pollinator Protection Plan, which cited “conflicting [scientific] conclusions” regarding their environmental harms.18 This determination is now well out-of-date and at odds with research from around the world, including from the Cornell Department of Entomology.19

In addition, neonic contamination of New York’s waters is widespread, with potentially devastating effects on the state’s aquatic ecosystems. A U.S. Fish and Wildlife study released just last November found neonicos in New York streams “in excess of toxicity and regulatory thresholds,”20 and in 2016, extensive testing of New York surface water by the U.S. Geological Survey (USGS) found the neonic imidacloprid in nearly 40% of the samples.21 Likewise, USGS monitoring of the Long Island aquifer that same year found imidacloprid to be one of the most frequently detected pesticides.22 The vast majority of surface water detections show imidacloprid...

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14 See, e.g., Appeals Court Orders EPA to Ban a Pesticide Known to Harm Children, Time (Aug 10, 2018), https://ti.me/2N2V2UI.
15 See C.G.S. § 22a-50; MD Code, Agriculture, § 5-2A-02.
18 NY Pollinator Plan at 9.
19 McArt et al. 2017, High Pesticide Risk to Honey Bees Despite Low Focal Crop Pollen Collection During Pollination of a Mass Blooming Crop, Scientific Reports, 7:46554. doi:10.1038/srep46554 (Apr. 19, 2017), https://go.nature.com/2Ir0o9Y (finding that the neonic thiamethoxam may pose one of the greatest risks to bees in a study of commonly used pesticides on New York apple orchards—among the twenty-five pesticides studied, thiamethoxam was ranked as having “the greatest total oral exposure risk” and the third highest total contact risk).
21 See USGS, Regional Stream Quality Assessment (RSQA), https://bit.ly/2Bbf64, and click on “Download Data”—then select “New York” under the “States” field and “Imidacloprid” under the “Constituents” field and click “Download.” USGS did not test for Thiamethoxam, the other neonic approved in New York.
22 See Nat’l Water Quality Monitoring Council, https://bit.ly/2FhSYD2, and select “Sample results (narrow)” under “Select data to download:” and then click “DOWNLOAD.”
well above EPA’s “benchmark” for chronic harm to aquatic invertebrates, which include aquatic insects that provide a vital food source for native birds and fish.

Water contamination findings also amplify new and growing concerns about neonic impacts on human health, including emerging research showing exposure in prenatal and early-life development could lead to autism, heart deformations, muscle tremors, and memory loss. Indeed, neonic exposure may be hard for New Yorkers to avoid. Many store-bought foods contain neonic, which, because they permeate through the food, can’t be washed off. Likewise, typical drinking water treatments do not remove neonic, and their breakdown products or “metabolites” can be both significantly more toxic to people and converted into other toxic byproducts through interaction with common water treatment processes, like chlorination.

In short, the current scientific literature on the ecological and human health risks of the use of neonic and other harmful systemic insecticides demands immediate action to protect New York’s pollinators, its water supplies, and its people while these risks can be fully evaluated. We strongly urge you to support a moratorium on harmful systemic insecticide use—such as the five-year moratorium on outdoor uses of neonic and other systemic insecticides outlined in Chairman Englebright’s 2018 Birds and Bees Protection Act—through legislation in the 2019 session or comparable administrative action.

Thank you for your time and attention to this matter.

Respectfully,

Monica Weiss
Member, Steering Committee
350NYC

Irene V. Scheid
Executive Director
Alley Pond Environmental Center, Inc.

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24 Neonic harms to aquatic ecosystems are well documented, see, e.g., Morrissey et al., Neonicotinoid Contamination of Global Surface Waters and Associated Risk to Aquatic Invertebrates: A Review, Environment Int’l, Jan. 2015 at 291-303, https://bit.ly/2rwleIT, and were the main catalyst for Canada’s proposed neonic bans. See, infra, note 12.
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