April 12, 2023

Honorable Kathy Hochul
Governor
New York State Capitol
Albany, NY 12224

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

Honorable Carl Heastie
Speaker
New York State Assembly
Albany, NY 12248

Honorable Deborah J Glick
Chair, Assembly Environmental Conservation
New York State Assembly
Albany, NY 12248

Honorable Peter Harckham
Chair, Senate Environmental Conservation
New York State Senate
Albany, NY 12247

Honorable Brad Hoylman-Sigal
Chair, Senate Judiciary
New York State Senate
Albany, NY 12247

Support New York Farmers, the Green Industry, Regulators, Climate and Sustainability Goals, and Pollinators by Opposing S.1856 (Hoylman-Sigal) / A.3226 (Glick)

Dear Governor Hochul, Majority Leader Stewart-Cousins, Speaker Heastie, and Chairs Glick, Harckham, and Hoylman-Sigal:

On behalf of the undersigned, we write to express our serious concerns with S.1856 (Hoylman-Sigal) / A.3226 (Glick) and request your opposition to this legislation. New York's dairy farmers, corn and soybean growers, vegetable producers, golf course superintendents, professional landscapers, and certified crop advisors, would be put at a severe disadvantage if this legislation were to pass.

Prohibiting this technology for agriculture moves counter to New York's broader climate and sustainability goals under the New York Climate Action Council.[1] The Final Climate Action Council Scoping Plan calls for a reduction in GHG emissions and increase in carbon sequestration through the adoption of soil health management practices including reduced tillage and cover crops. Without treated seed and applications of crop protectants, farmers would revert to planting fewer cover crops to avoid losses to seed Corn Maggot and other pests. Removing these tools would impact the state's carbon footprint, requiring additional tractor passthroughs and product to be applied.

[1] New York Climate Action Council, New York State Climate Action Council Finalizes Scoping Plan to Advance Nation-leading Climate Law, https://www.nyserda.ny.gov/About/Newsroom/2022-Announcements/2022-12-19-NYS-Climate-Action-Council-Finalizes-Scoping-Plan-to-Advance-Nation-Leading-Climate-Law

The increased tillage to fight subsurface pests and disease would also release more carbon into the air and damage soil health progress, a step backwards for the carbon sequestration and soil health initiatives that farms are increasingly trying to adopt and advance[2]. New York's farmers are facing unprecedented business and regulatory challenges from climate change, the notion of eliminating safe and stringently regulated technologies would be devastating to one of the state's most critical economic engines.

Seed treatments play a critical role in agriculture and the production of healthy crops. Farmers rely on seed coating technology to protect their seeds and crops from pest damage and disease. Coating seeds with a small amount of pesticides prior to planting protects them when they are most vulnerable to disease and insects. In New York's condensed growing season, the risk of crop failure due to pests and the inability to replant can drastically impact a farmer's tight margins and yield. Recent Cornell University research on Seed Corn Maggot, stand losses and insecticide seed treatment suggests that if a farmer decides or is forced to plant corn without an effective insecticide seed treatment, 36% of his fields will suffer a greater than 20% stand loss and significant economic loss. Continuous corn fields will suffer a lesser, but significant level (33%) than corn following a green manure/cover crop (40%).[3] The 2021-22 research data indicate the significant level of potential and realistic economic losses by NY corn farmers, if seed applied insecticide is not available for use.

Neonicotinoids are an important tool for controlling insects in various non-agricultural settings, including in and around homes, golf courses, green spaces, businesses, sports fields, and on turf. When used according to label instructions, neonicotinoid products can be used safely by applicators, and they offer unique benefits that make them ideal tools for addressing certain pest problems and as part of an Integrated Pest Management program. For example, neonicotinoids are selective and often require low use rates to achieve sufficient pest control, which reduces both environmental and human exposure.

Their low mammalian toxicity makes them a good option for residential spaces that can harbor pests harmful to property and public health, such as bed bugs.

Neonicotinoids represent one of the most significant advances in insecticide technology in recent history and are among the safest pesticides for people and the environment, hence their widespread adoption. Initially registered as a reduced risk pesticide, neonicotinoids are a vital invasive species control solution and serve as agricultural tools that protect a wide variety of New York crops.

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[2] The Role of Agriculture Science and Technology in Climate 21 Project Implementation, June 2021, https://www.cast-science.org/publication/the-role-of-agricultural-science-and-technology-in-climate-21-project-implementation/

[3] Cornell Field Crops, What's Cropping Up Blog, Seed Corn Maggot, Stand Losses and the Need for Insecticide Seed Treatments, Elson J. Shields, Entomology, Cornell University, Ithaca, NY, October 8, 2021, https://blogs.cornell.edu/whatscroppingup/2021/10/08/seed-corn-maggot-stand-losses-and-the-need-for-insecticide-seed-treatments/

Treated seed is another form by which neonicotinoids can be applied to a plant. Pesticides applied as a seed coating are highly regulated, just as foliar and soil-applied pesticides are, or any other pesticide approved for uses by the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYS DEC). In fact, both state and federal regulators are fulfilling their authority and obligations as experts by ensuring review, oversight and enforcement of these products. In January 2022, NYS DEC reclassified certain neonicotinoid products as "restricted use" to mitigate interactions with nontarget organisms, while still allowing the use of these pesticides for combatting invasive species, while protecting public health and the environment.[4] On September 28, 2022, EPA reaffirmed its confidence in the regulation of treated seed and assessments on human health and the environment.[5] In June 2022, EPA issued its final listed species biological evaluations for neonicotinoids, and their registration review interim decision is anticipated in 2024. "The dockets for all the neonicotinoid pesticides are open. EPA's goal is to review the pesticides in this class in the same timeframe so we can ensure consistency across the class. As EPA completes risk assessments for the neonicotinoids, the Agency will pursue risk mitigation, as appropriate."[6]

Pollinators are of paramount importance. Who, more than farmers and plant care professionals, are concerned about the health and wellbeing of pollinators and the abundance of safe water? That is why we support thoughtful solutions to identify practices that both support pollinators and those stakeholders who rely on them for pollination of crops, and who mitigate any potential impacts from pesticide use on pollinators through the judicious and well-regulated use of those pesticides. Seed coating technology mitigates pesticide exposure to pollinators due to the application method and subsurface planting, reducing foliar applications.[7] Comprehensive reports by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describe a broad range of issues or "stressors" negatively affecting bees, including habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens.

The research and data collected nationally[8] and specific to the northeast[9] shows the leading stressor to honeybee colonies is overwhelmingly varroa mites.

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[4] New York State Department of Environmental Conservation, DEC Announces Actions to Protect New York's Pollinators by Restricting Use of 'Neonic' Pesticides, https://www.dec.ny.gov/press/124619.html

[5] EPA Responds to Treated Seed Petition," Released on September 28, 2022, https://www.epa.gov/pesticides/epa-responds-treated-seed-petition

[6] United States Environmental Protection Agency, Schedule for Review of Neonicotinoid Pesticides, https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides

[7] American Seed Trade Association, Treated Seeds, https://www.betterseed.org/treated-seeds/

[8] "Honey Bee Colonies" Released August 1, 2022, by the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, United States Department of Agriculture (USDA), https://downloads.usda.library.cornell.edu/usda-esmis/files/rn301137d/kh04fx05c/qb98nn582/hcny0822.pdf

[9] "Northeastern Region Honey Bee Colonies Report" USDA, United States Department of Agriculture, National Agricultural Statistics Service, August 17, 2018, https://www.nass.usda.gov/Statistics_by_State/Pennsylvania/Publications/Survey_Results/2018/2018%20Northeast%20Honey%20Bee%20Colonies%20Release.pdf

Additional information on New York specific honeybee health and varroa mite impact can be found in the Cornell University Beekeeper Tech Team 2022 Spring Honeybee Health Report, which found wintering losses below those previously mentioned on this matter.[10] In June 2021, New York also passed into law measures to build upon the states evergreen pollinator protection plan, and support agriculture and honeybee health through the development of an Apiary Industry Advisory Committee.[11]

As National Ag Day comes and goes, it's important to remember those farmers who continue to produce a safe and abundant food supply for New York, the Country, and the world. This year, New York was recognized as a leading state in total output increase.[12] Please support our farmers, regulators, pest management professionals, golf courses, professional landscapers and climate goals by opposing S.1856 (Hoylman-Sigal) / A.3226 (Glick).

Sincerely,

Albany County Farm Bureau

Allegany County Farm Bureau

Almstead Tree, Shrub and Lawn Care

American Seed Trade Association

Bartlett Tree Experts

Biotechnology Innovation Organization

Cantine Veterans Sports Complex

Capital District Golf Club Association

Cayuga County Farm Bureau

Central Turf and Irrigation Supply

Chautauqua County Farm Bureau

Chemung County Farm Bureau

Childstock Farms Inc.

Cortland County Farm Bureau

CropLife America

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[10] Cornell University, Beekeeper Tech Team, 2022 Spring Honey Bee Health Report, https://cornell.app.box.com/v/2022-tech-team-spring-report

[11] New York State Department of Agriculture and Markets, New York State Announces New Actions to Benefit and Protect Pollinators, June 26, 2021, https://agriculture.ny.gov/news/new-york-state-announces-new-actions-benefit-and-protect-pollinators

[12] Feeding the Economy, New Report Reveals Growing Footprint, Influence of Food & Ag Sector in U.S. Economy, Beating Pre-Pandemic Levels, https://feedingtheeconomy.com/press-release/

Delaware County Farm Bureau

Douglas Adams, Entomologist

Doyle Vineyard Management

Empire State Council of Agricultural Organizations

Empire State Potato Growers Inc

Erie County Farm Bureau

Franklin County Farm Bureau

Fulton County Farm Bureau

Growmark FS

Jefferson County Farm Bureau

Lewis County Farm Bureau

Landscape Contractors Association of Long Island

Long Island Farm Bureau

Long Island Golf Course Superintendents Association

Long Island Nursery & Landscape Association

Madison County Farm Bureau

Metropolitan Golf Course Superintendents Association

Michael Bellantoni, Jr., CLP, CLT

Montgomery County Farm Bureau

Mountain Vista Farms, LLC

New York Apple Association

New York Corn and Soybean Growers Association

New York Farm Bureau

New York Maple Producers Association

NY Pest Management Association

New York State Arborists/ISA Chapter

New York State Chemistry Council

New York State Agribusiness Association

New York State Green Industry Council

New York State Nursery Landscape Association

New York State Turfgrass Association

New York State Vegetable Growers Association

Niagara County Farm Bureau

Northeast Agribusiness & Feed Alliance

Northeast Dairy Producers Association

Oneida County Farm Bureau

Ontario County Farm Bureau

Oswego County Farm Bureau

Otsego County Farm Bureau

Primo Landscape Design

Responsible Industry for a Sound Environment

Saratoga County Farm Bureau

Schoharie County Farm Bureau

Schuyler County Farm Bureau

Seneca County Farm Bureau

Simmons Vineyard

Steuben County Farm Bureau

Greg Stanley, Golf Course Superintendent, The Bridge, Bridgehampton, NY

Tompkins County Farm Bureau

T and S Crop Service

Vine Enterprise

Yates County Farm Bureau