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NY Birds & Bees Protection Act (BBPA)

Regulatory Process for BBPA Starts! - You Can Help

The NY DEC is now implementing the Birds & Bees Protection Act, passed in 2023, goes into effect in 2027. This is the landmark bill that restricts neonicotinoid pesticides. (or neonics (KNEE-oh-nicks)). There are serious concerns about this regulatory process weakening the intent of the bill significantly by interpreting an emergency use clause broadly in order to allow use on lawns to continue. This is not the intent of the bill or the emergency clause.

At long last—the regulatory process for implementing the law is kicking off. As they say, “the devil is in the details,” and whether the BBPA will fulfill its promise of truly eliminating the needless neonic use polluting New York’s water, decimating its wildlife, and threatening New Yorkers’ health, will depend largely on the strength of the Department of Environmental Conservation’s (DEC) implementing regulations.

There is an important public listening and comment session August 27 and we want to let you know you can register to attend and speak.

DEC [just announced](#) that the first step in that public process will be a virtual stakeholder meeting **at 9:30am on Thursday, August 27**. Instructions on how to sign up, along with some general points are below. We encourage everyone to attend and make your voice heard!

For those who can’t attend, but still want to get involved, don’t worry, there will be many more steps in the regulatory process, including a proposed rule from DEC, for which we’ll want to generate as many public comments as possible. We’ll keep everyone informed on ways to get involved as things move forward, but if possible attend and speak at this event.

Date: Thursday, August 27, 2026

Time: 9:30am - 1:00pm ET - comments start about Noon

Location: Virtual

Registration: Registration is free and required. To attend, a registration link is available at [this webpage](#) (full link: <https://dec.ny.gov/get-involved/events/2026/8/bureau-of-pesticides-management-320-series->

[rulemaking-stakeholder-meeting](#)). If you would like to speak, you may indicate that on the registration form.

Attending: Once you have registered, you should receive an email with the Webex link that you can click to join on Thursday, Aug. 27. You may want to join early if you have not used Webex before. If you do not receive a link within 24 hours of registering, you should consider reaching out to DEC (pestregs@dec.ny.gov or 518-402-8748) to troubleshoot.

Speaking: Speaking at the meeting is not required, but if you choose to sign up to speak you will likely have very limited time (1-3 minutes). You should consider distilling your talking points in advance and practicing using a timer - and remember to say your punchline first.

Topline Message— The Birds and Bees Protection Act (BBPA) is the country’s leading law addressing likely the most ecologically destructive pesticides since DDT—neurotoxic neonicotinoids or “neonics”—which also pollute New York water and threaten New Yorkers’ health. The law is strong and surgical: designed to eliminate 80-90% of the neonics entering the state’s environment every year by **prohibiting needless uses that don’t provide economic benefits** or are easily replaced with safer, effective alternatives. Ensuring the law is successfully implemented—[such as in Quebec, where a similar model eliminated the vast majority of neonic pollution without crop loss](#) or switching to more harmful pesticides—depends on details of this regulatory process. As a national leader on this issue, and to protect New Yorkers and their environment, DEC must promulgate strong regulations to eliminate wasteful and dangerous neonic pollution.

General Neonic Information

Fact Sheets

- See [this general fact sheet](#) on neonic harms generally.
- See [this health fact sheet](#) on neonics’ threats to our health.

Summary of your Regulatory Asks

*The BBPA is a strong law that seeks to eliminate the needless neonic use polluting New York’s environment and people—**specifically, preventing most non-agricultural lawn and garden uses, and neonic coatings on corn, soybean, and wheat seeds known as seed treatments.*** We want DEC’s regulations to do the following:

- For neonic lawn and garden uses: Ensure that nearly all non-agricultural turf and ornamental neonic use is prohibited—with limited exceptions for use needed to protect specific woody plants or to address an environmental emergency.
- For neonic-coated corn, soybean, and wheat seeds: Ensure the use of neonic seed treatments is limited to only those specific situations where only a neonic treatment would be effective in addressing a verified and economically significant pest risk.

Neonic Harms

- Neonic (KNEE-oh-nicks) widely contaminate New York's environment—including soils, surface water, groundwater, and wildlife.
- Neonics are neurotoxic and commonly found in our bodies, including in the bodies of **95% of pregnant women** in nationwide testing. Neonics are linked with increased risk of birth defects of the heart and brain, cognitive impairment, hormonal changes, negative pregnancy outcomes, and many other neurological, hormonal, reproductive harms in people.
- Neonic contamination is a leading cause of declines in pollinators, like bees and butterflies, which help support our food systems and ecosystems. New York beekeepers lost about **40 percent of their colonies** in 2025-26. New York farmers rely on pollinators to grow healthy and affordable fruits and vegetables.
- Neonic contamination of surface waters wipes out invertebrates that fish, birds, and all sorts of other wildlife depend on for food. The neonic imidacloprid is also the most commonly detected insecticide in Long Island's aquifer.
- Neonics can also degrade soil health, making land less productive.

Most Neonic Use in New York Is Unnecessary

- Neonics are typically used preventatively, regardless of whether a pest problem is present. For this reason, **most use is unnecessary**.
- Neonic seed treatments are likely used on over 1 million acres of New York corn, soybean, and wheat fields each year, making them the top source of contamination.
- Research consistently shows that these seed treatments do not economically benefit the farmers that use them—including recent extensive testing by Cornell University.

- Non-agricultural lawn and garden neonic uses can heavily contaminate urban and suburban areas, but are similarly provide no benefit to homeowners or are easily replaced with safer alternatives.
- *NOTE THAT These two categories of uses make up 80-90% of the neonics entering New York's environment every year.*
- **Protecting New Yorkers and their environment from harmful and needless pollution is exactly what the legislature intended in passing the Bird and Bees Protection Act. DEC must promulgate strong regulations to make sure that happens in practice.**
- Experience from just over the border shows it can be done. Quebec implemented similar restrictions in 2019, and since then, neonic seed coating use has fallen to almost nothing without documented crop losses or switching to more harmful alternatives.

Detailed Regulatory Asks:

In order to ensure faithful execution the BBPA and the legislature's intent to protect birds, bees, and the health of New Yorkers from neurotoxic neonic pesticide pollution, the Department of Environmental Conservation's (DEC) upcoming regulations must do the following:

- **Clarify the exemption for invasive treatment for specific woody plants is limited to that purpose** – The BBPA prohibits virtually all non-agricultural neonic lawn and garden use, with a small exception for “treatment against invasive species affecting woody plants.” The clear purpose of this language is to allow neonic treatment to protect against invasive species actually affecting woody plants (e.g., hemlock wooly adelgid). It is not to allow neonic treatment against any species that may possibly affect a woody plant (e.g., Japanese beetle) if the treatment is for another purpose (e.g., turf protection). Such an interpretation would effectively obliterate the prohibition. Accordingly, DEC must clarify and provide in regulation any needed safeguards to ensure that this exemption adheres to the legislature's intent in practice—applying only to treatments actually needed to protect woody plants, not those used for turf or herbaceous garden plant care generally.
- **Require pest risk assessments performed by independent and qualified third parties** – The BBPA provides that to receive a DEC waiver for use of neonic-coated corn, soybean, or wheat seeds, “a pest risk assessment and a pest risk assessment report must be completed,”

but it does not say by whom. Other BBPA waiver requirements must be completed by the “farm owner,” suggesting that the risk assessment and report are intended to be completed by another person. Certification by a qualified, independent third person would help ensure an accurate and honest assessment pest risk, likely also minimizing administrative burden for DEC by limiting waiver applications to instances of true economic pest risk. DEC’s regulations should require all pest risk assessments and reports be performed by qualified, independent third parties.

- **Clarify that waivers will only be granted where a neonic seed coating is needed to address an economically significant risk** – Although it is not explicit in the law, the clear intention of the BBPA’s requirement that a pest risk assessment and report be performed and submitted before a waiver is granted is that waivers will only be granted where a neonic-coated seed would be effective in addressing an actual pest risk. DEC should clarify in regulation that waivers will only be granted where: (1) an economically significant early-season pest risk is verified in the pest risk assessment and report; and (2) a neonic seed treatment is needed to effectively address that risk.