

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 496*

Short Title: The Pollinator Protection Act. (Public)

Sponsors: Senator Woodard (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO ENACT THE POLLINATOR PROTECTION ACT OF 2019.

Whereas, pollination services, including by honeybees and numerous other pollinators, are a vital part of agricultural production in North Carolina; and

Whereas, one-third of food produced in North America depends on pollination by honeybees, including nearly 95 varieties of fruits and other foods of high nutritional value to all of North Carolina's citizens; and

Whereas, over the past several years, documented incidents of colony collapse disorder and excessive honeybee mortality have been at a record high, with some beekeepers losing large portions of their operations and suffering reduced production of their valuable honey; and

Whereas, the State has undertaken numerous projects to improve pollinator health, including the North Carolina Department of Transportation Wildflower Program to increase pollinator habitats, establish pollinator habitats on Department of Agriculture and Consumer Services research stations, and support bees through the Department of Agriculture and Consumer Services Apiary Program; and

Whereas, scientists have linked the use of systemic neonicotinoid insecticides to the rapid decline of honeybees and other pollinators and to the deterioration of pollinator health; and

Whereas, neonicotinoid insecticides are systemic insecticides that are absorbed into treated plants and distributed throughout their vascular systems, which can render a plant, including the roots, leaves, stems, flowers, nectar, pollen, and guttation fluid, toxic to insects; and

Whereas, neonicotinoid insecticides cause sublethal effects, including impaired foraging and feeding behavior, disorientation, weakened immunity, delayed larval development, and increased susceptibility to viruses, diseases, and parasites; and numerous studies have also demonstrated acute, lethal effects from the application of these toxins; and

Whereas, bumblebees, beneficial insects of all kinds, and whole food chains of aquatic invertebrates, insects, birds, bats, and other pollinators in North Carolina are at risk from environmental contamination by highly persistent neonicotinoids; and

Whereas, scientists have also found that the use of neonicotinoids in seed treatment is harmful to birds; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-460(25a) is recodified as G.S. 143-460(25b).

SECTION 1.(b) G.S. 143-460 is amended by adding a new subdivision to read:



1 "(25a) The term "neonicotinoid pesticide" means any pesticide containing a chemical
2 belonging to the neonicotinoid class of chemicals, including, but not limited
3 to, the following:

4 a. Imidacloprid.

5 b. Nithiazine.

6 c. Acetamiprid.

7 d. Clothianidin.

8 e. Dinotefuran.

9 f. Thiacloprid.

10 g. Thiamethoxam.

11 h. Any other chemical designated by the Board as belonging to the
12 neonicotinoid class of chemicals.

13 The term does not include pet care products used to mitigate fleas, mites, ticks,
14 heartworms, or other animals harmful to the health of a domesticated animal,
15 personal care products used to mitigate lice or bedbugs, or any product
16 regulated under the North Carolina Structural Pest Control Act (Article 4C of
17 Chapter 106 of the General Statutes)."

18 **SECTION 2.(a)** G.S. 143-443(a) is amended by adding a new subdivision to read:

19 "(7) Any neonicotinoid pesticide to members of the public at retail, unless the
20 seller is authorized to sell a restricted use pesticide under this Article and
21 regulations adopted under the authority of this Article."

22 **SECTION 2.(b)** G.S. 143-443(b) is amended by adding a new subdivision to read:

23 "(8) For any person to use a neonicotinoid pesticide, unless the person is any of the
24 following:

25 a. A pesticide applicator licensed under Part 4 of this Article, or a person
26 working under the direct supervision of a pesticide applicator licensed
27 under Part 4 of this Article.

28 b. A farmer, or person working under the direct supervision of a farmer,
29 who uses the pesticide for agricultural purposes as defined in
30 G.S. 106-581.1, including crop production and production of
31 livestock, poultry, equine, or noncrop agricultural fields.

32 c. A veterinarian using the pesticide in the practice of veterinary
33 medicine."

34 **SECTION 3.** The Pesticide Board, with the assistance and input of the Pesticide
35 Advisory Committee, shall monitor the final pollinator risk assessments undertaken by the United
36 States Environmental Protection Agency (US EPA) as part of the Registration Reviews for the
37 neonicotinoid pesticides imidacloprid, clothianidin, thiamethoxam, and dinotefuran and report
38 on any legislative or regulatory changes necessary to protect pollinators within the State, taking
39 into account findings and any recommendations of the US EPA risk assessment. The Board shall
40 forward its report and recommendations for statutory and regulatory changes to the
41 Commissioner and the Environmental Review Commission within six months of the US EPA's
42 completion of the final pollinator risk assessments for neonicotinoid pesticides.

43 **SECTION 4.** The Pesticide Board shall study whether the State should have the
44 authority to regulate the use and sale of seeds treated with systemic insecticides, including
45 whether the State should require that untreated seeds and seeds treated at lower insecticide
46 application rates be available in the market. In conducting this study, the Board shall consider
47 the efficacy of seed treatment rates, scouting techniques, pest pressures, economic thresholds,
48 planting technology differences, and any other criteria the Board deems appropriate. The Board
49 shall submit the results of the study, including any legislative recommendations, to the
50 Environmental Review Commission no later than November 1, 2019.

1 **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2019. The
2 remainder of this act is effective when it becomes law.