

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL DRH30145-TQ-13 (03/10)

Short Title: The Pollinator Protection Act. (Public)

Sponsors: Representatives Harrison, McGrady, G. Martin, and Setzer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE POLLINATOR PROTECTION ACT OF 2017.

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

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

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

12 Whereas, the North Carolina Department of Agriculture and Consumer Services
13 named 2015 the Year of the Pollinator in North Carolina; and

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

19 Whereas, scientists have linked the use of systemic neonicotinoid insecticides to the
20 rapid decline of honey bees and other pollinators and to the deterioration of pollinator health;
21 and

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

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

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

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

35 The General Assembly of North Carolina enacts:

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



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

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

5 a. Imidacloprid.

6 b. Nithiazine.

7 c. Acetamiprid.

8 d. Clothianidin.

9 e. Dinotefuran.

10 f. Thiacloprid.

11 g. Thiamethoxam.

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

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

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

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

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

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

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

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

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

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

44 **SECTION 4.** The Pesticide Board shall study whether the State should have the
45 authority to regulate the use and sale of seeds treated with systemic insecticides, including
46 whether the State should require that untreated seeds and seeds treated at lower insecticide
47 application rates be available in the market. In conducting this study, the Board shall consider
48 the efficacy of seed treatment rates, scouting techniques, pest pressures, economic thresholds,
49 planting technology differences, and any other criteria the Board deems appropriate. The Board
50 shall submit the results of the study, including any legislative recommendations, to the
51 Environmental Review Commission no later than November 1, 2017.

1 **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2017. The
2 remainder of this act is effective when it becomes law.