

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 828

Short Title: The Pollinator Protection Act. (Public)

Sponsors: Representatives Harrison, Setzer, Ager, and Fisher (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Agriculture, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE POLLINATOR PROTECTION ACT OF 2021.

3 Whereas, pollination services, including by honeybees 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 honeybees, including nearly 95 varieties of fruits and other foods of high nutritional value to all
7 of North Carolina's citizens; and

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

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

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

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

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

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

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

32 The General Assembly of North Carolina enacts:

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

34 **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, acetamiprid, and dinotefuran
38 and report on any legislative or regulatory changes necessary to protect pollinators within the
39 State, taking into account findings and any recommendations of the US EPA risk assessment.
40 The Board shall forward its report and recommendations for statutory and regulatory changes to
41 the Commissioner and the Environmental Review Commission within six months of the US
42 EPA's 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, 2021.

1 **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2021. The
2 remainder of this act is effective when it becomes law.