



MEMORANDUM OF SUPPORT

A.7639 (Englebright) / S.5816 (Hoylman)

AN ACT to amend the environmental conservation law, in relation to enacting the birds and bees protection act; and providing for the repeal of certain provisions upon expiration thereof.

Audubon New York strongly supports A.7639 (Englebright) / S.5816 (Hoylman), which would prohibit the sale of certain pesticides and require the DEC to consider a strategy for the development of pollinator friendly lands, distribute information to protect migratory birds, and make recommendations to the DOT on the species of plantings and the application of pesticides.

Bird species that use farmlands, grasslands, or shrublands as habitat are experiencing strong and pervasive declines. Populations of grassland birds have declined by 40% population since 1966ⁱ, including a 74% decline of farmland bird speciesⁱⁱ and 61% decline of aerial insectivorous bird speciesⁱⁱⁱ. The pattern of these declines has suggested that agricultural pesticides, such as neonics, may be impacting these populations.

Neonics are pesticides chemically related to nicotine that act as powerful insect neurotoxins, and are commonly applied as seed treatments to crops such as corn, soy, and barley. Although aimed at pests, neonics are having both direct and indirect impacts on grassland bird species. Birds can experience either lethal or sub-lethal effects after they consume neonic-coated seeds that have been spilled. The sub-lethal effects are perhaps more troubling, as even relatively low doses of neonics can prevent songbirds from orienting themselves for their migration, cause significant weight loss,^{iv} and interfere with reproductive success.^v

Birds are also indirectly impacted when neonics leach into nearby ponds and wetlands, where they kill the larvae of non-target insects such as midges and caddis flies, which are an important food source for insectivorous birds.^{vi,vii} Many invertebrate populations are already suffering steep declines: 33% of insects with IUCN-documented population trends are decreasing and globally 67% of monitored invertebrate species have declined by 45%.^{viii} With insect populations already undergoing drastic declines, additional losses due to neonic exposure will further impact food availability.

Due to these impacts, the use of neonicotinoid insecticides – particularly in areas where vulnerable bird species or their prey may come into contact with neonics – should be greatly reduced or eliminated. Reduction in the use of neonicotinoids and other pesticides may help ensure the conservation of vulnerable grassland, farmland, and backyard birds that are already suffering due to habitat loss and the effects of climate change.

For these reasons, Audubon New York supports A.7639 (Englebright) / S.5816 (Hoylman) and urges the legislature to pass this bill.

Audubon New York works with a network of 70,000 members, hundreds of volunteers, 27 local Audubon Chapters, and dozens of other partners to achieve its mission of protecting birds and their habitats through science, advocacy, education, and on-the-ground conservation programs. If you have any questions or would like more information, please contact Erin McGrath, Policy Manager at Audubon New York at 518-869-9731 or emcgrath@audubon.org.

NYS Birds Under Threat



Common Nighthawk
Chordeiles minor

Description: This widespread and familiar bird may hunt by day or night, catching flying insects in the air. Its bounding, erratic flight and angular wings make it unmistakable. Originally nesting on open ground, Common Nighthawks have learned to nest on flat gravel roofs; their nasal cries and "booming" display dives may be heard over many cities.

Conservation Status: Declining seriously in numbers in many parts of North America. Causes may include changes in land use and overuse of pesticides. In some areas, nighthawks nesting on gravel roofs have been targeted by increasing urban populations of crows, which eat their eggs.

Habitat: Open country in general; often seen in the air over cities and towns. Inhabits any kind of open or semi-open terrain, including clearings in forest, open pine woods, prairie country, farmland, suburbs and city centers.



Tree Swallow
Tachycineta bicolor

Description: The popularity of the bluebird has been a boon to the Tree Swallow, which nests in holes of exactly the same size, and has taken advantage of bluebird houses over much of North America. In regions with no such ready supply of artificial nest sites, the swallows must compete with other cavity-nesting birds, arriving early in spring to stake out territories.

Conservation Status: Widespread and common, and population apparently increasing in many areas.

Habitat: Open country near water, marshes, meadows, lakes. May breed in any kind of open or semi-open area that provides both nesting sites and a good supply of flying insects. Typically breeds close to water, as around ponds or marshes, but also nests away from water around meadows or brushy areas.



Barn Swallow
Hirundo rustica

Description: One of our most familiar birds in rural areas and semi-open country, this swallow is often seen skimming low over fields with a flowing, graceful flight. It seems to have adopted humans as neighbors, typically placing its nest in barns or garages, or under bridges or wharves; indeed, it is now rare to find a Barn Swallow nest in a site that is not manmade. The species is also common across Europe and Asia, wintering to southern Africa and South America.

Conservation Status: Local declines noted in a few areas, but still widespread and abundant.

Habitat: Open or semi-open land, farms, fields, marshes, lakes. May occur in any kind of open or partly open terrain, especially near water, generally avoiding very dry country and unbroken forest. Often breeds around farms, buildings, towns, and forages over fields or ponds.

ⁱ North American Bird Conservation Initiative (NABCI), US Committee. (2017). *The State of the Birds 2017: A Farm-Bill Special Report*. Cornell Lab of Ornithology, Ithaca, NY. 4 pp.

ⁱⁱ Stanton, R.L., C.A. Morrissey, and R.G. Clark. 2018. "Analysis of Trends and Agricultural Drivers of Farmland Bird Declines in North America: A Review." *Agriculture, Ecosystems & Environment* 254 (February): 244–54. <https://doi.org/10.1016/J.AGEE.2017.11.028>.

ⁱⁱⁱ Nebel, S., Mills, A., McCracken, J., & Taylor, P. (2010). Declines of aerial insectivores in North America follow a geographic gradient. *Avian Conservation and Ecology*, 5(2), 1.

^{iv} Eng, M. L., Stutchbury, B. J., & Morrissey, C. A. (2017). Imidacloprid and chlorpyrifos insecticides impair migratory ability in a seed-eating songbird. *Scientific Reports*, 7(1), 15176.

^v Gibbons, D., Morrissey, C., & Mineau, P. (2015). A review of the direct and indirect effects of neonicotinoids and fipronil on vertebrate wildlife. *Environmental Science and Pollution Research*, 22(1), 103-118.

^{vi} Goulson, D. (2013). An overview of the environmental risks posed by neonicotinoid insecticides. *Journal of Applied Ecology*, 50(4), 977-987.

^{vii} Morrissey, C. A., Mineau, P., Devries, J. H., Sanchez-Bayo, F., Liess, M., Cavallaro, M. C., & Liber, K. (2015). Neonicotinoid contamination of global surface waters and associated risk to aquatic invertebrates: a review. *Environment International*, 74, 291-303.

^{viii} Dirzo, R., Young, H. S., Galetti, M., Ceballos, G., Isaac, N. J., & Collen, B. (2014). Defaunation in the Anthropocene. *Science*, 345(6195), 401-406.