

115TH CONGRESS
1ST SESSION

H. R. 3040

To direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2017

Mr. CONYERS (for himself, Mr. BLUMENAUER, Mr. CONNOLLY, Mr. MEEKS, Ms. DELAURO, Ms. CLARK of Massachusetts, Mr. LARSEN of Washington, Mr. NADLER, Mr. LEWIS of Georgia, Ms. LEE, Mr. CARTWRIGHT, Ms. MCCOLLUM, Ms. TSONGAS, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Ms. NORTON, Ms. SPEIER, Mr. HUFFMAN, Mr. HIMES, Mr. ELLISON, Ms. JUDY CHU of California, Mr. MCGOVERN, Mrs. WATSON COLEMAN, Mr. COHEN, Mr. RUSH, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving America’s Polli-
5 nators Act of 2017”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Pollination services are a vital part of agri-
4 cultural production, valued at over
5 \$125,000,000,000 globally. According to a 2014
6 Presidential memorandum, pollinators provide for an
7 annual amount of \$24,000,000,000 to the economy
8 of the United States and honeybees account for
9 \$15,000,000,000 of such amount. Similarly, polli-
10 nation services of native pollinators, such as bumble-
11 bees, squash bees, and mason bees, contribute over
12 \$3,000,000,000 to the United States agricultural
13 economy and are estimated to contribute between
14 \$937,000,000 and \$2,400,000,000 to the economy
15 of California alone.

16 (2) One-third of food produced in North Amer-
17 ica—including nearly 100 varieties of fruits and
18 vegetables such as almonds, avocados, cranberries,
19 and apples—depends on pollination by bees.

20 (3) Over the past several years, documented in-
21 cidents of colony collapse disorder and other forms
22 of excess bee mortality have been at a record high,
23 with some beekeepers repeatedly losing 100 percent
24 of their operations. The national honey crop re-
25 ported in 2013 was the lowest in many decades.

1 (4) A recent national survey sponsored by the
2 Federal Government indicates that United States
3 beekeepers experienced a 45.2 percent annual mor-
4 tality rate with their hives during the period begin-
5 ning in April 2012 and ending in March 2013. Dur-
6 ing the winter of 2013–2014, two-thirds of bee-
7 keepers experienced loss rates greater than the es-
8 tablished acceptable winter mortality rate.

9 (5) According to scientists at the Department
10 of Agriculture, current losses of honeybee colonies
11 are too high to confidently ensure the United States
12 will be able to meet the pollination demands for agri-
13 cultural crops.

14 (6) Native pollinators, such as bumblebees, have
15 also suffered alarming population declines. There are
16 currently more than 40 pollinator species federally
17 listed as threatened or endangered, and most re-
18 cently, the iconic monarch butterfly has declined by
19 90 percent.

20 (7) Scientists have linked the use of a certain
21 class of systemic insecticides, known as
22 neonicotinoids, to the rapid decline of pollinators
23 and to the deterioration of pollinator health.

24 (8) Neonicotinoids cause sublethal effects, in-
25 cluding impaired foraging and feeding behavior, dis-

1 orientation, weakened immunity, delayed larval de-
2 velopment, and increased susceptibility to viruses,
3 diseases, and parasites. Numerous reports also docu-
4 ment acute, lethal effects from the application of
5 neonicotinoids.

6 (9) Conclusions from a recent global review of
7 the impacts of systemic pesticides, primarily
8 neonicotinoids, warn that they are causing signifi-
9 cant damage to a wide range of beneficial inverte-
10 brate species, are a key factor in the decline of bees,
11 and pose a global threat to biodiversity and eco-
12 system services. Another recent global review docu-
13 mented high levels of freshwater contamination.

14 (10) Science has demonstrated that a single
15 corn kernel coated with a neonicotinoid is toxic
16 enough to kill a songbird. Peer-reviewed research
17 from the Netherlands has shown that the most se-
18 vere bird population declines occurred in those areas
19 where neonicotinoid pollution was highest. Starlings,
20 tree sparrows, and swallows were among the most
21 affected.

22 (11) In January 2013, the European Food
23 Safety Authority determined that the most widely
24 used neonicotinoids pose unacceptable hazards to

1 bees, prompting the European Union to suspend
2 their use on agricultural crops.

3 (12) In June 2013, over 50,000 bumblebees
4 were killed as a direct result of exposure to a
5 neonicotinoid applied to linden trees for cosmetic
6 purposes.

7 (13) In February 2014, Eugene, Oregon, voted
8 to ban the use of neonicotinoid pesticides on city
9 property. Similar bans and restrictions have been
10 enacted in Thurston County, Spokane, and Seattle,
11 Washington, and Skagway, Alaska.

12 (14) In June 2014, a Presidential memo-
13 randum established a Pollinator Health Task Force
14 after identifying pollinator decline as a threat to the
15 sustainability of food production systems, the agri-
16 cultural economy, and the health of the environment
17 in the United States.

18 (15) In July 2014, the United States Fish and
19 Wildlife Service announced plans to phase out
20 neonicotinoid pesticides in all national wildlife ref-
21 uges across the United States by January 2016. The
22 United States Fish and Wildlife Service recognized
23 that the prophylactic use of neonicotinoids for agri-
24 cultural purposes harms a wide range of nontarget
25 species and is therefore inconsistent with the man-

1 agement policy of the United States Fish and Wild-
2 life Service.

3 (16) In October 2014, an assessment by the
4 Environmental Protection Agency found that
5 neonicotinoid seed coatings provide little benefit to
6 overall soybean crop yield. Additional studies deter-
7 mined that in approximately 80 to 90 percent of row
8 crop uses, neonicotinoid coatings are unnecessary.
9 The prophylactic overuse of neonicotinoids violates
10 the fundamental principles of integrated pest man-
11 agement.

12 (17) In November 2014, the Province of On-
13 tario, Canada, announced the province will move to
14 restrict the use of neonicotinoid-coated corn and soy-
15 bean seeds because of the broad harms from their
16 overuse, with a goal of 80 percent reduction by
17 2017.

18 (18) In September 2015, the Circuit Court of
19 the United States for the Ninth Circuit ruled to re-
20 voke the Environmental Protection Agency's ap-
21 proval for sufloxafloor—a neonicotinoid pesticide.

22 (19) In November 2016, Health Canada, the
23 Department of the Government of Canada with re-
24 sponsibility for national public health, proposed a
25 ban on almost all uses of the neonicotinoid

1 imidacloprid, saying it is seeping into Canadian wa-
2 terways at levels that can harm insects and the eco-
3 system.

4 (20) The President's budget for fiscal year
5 2018 cuts funding for pesticide review programs of
6 the Environmental Protection Agency by 20 percent
7 delaying reviews of new, potentially safer pesticides
8 as well as reviews of older, more dangerous pes-
9 ticides such as neonicotinoids.

10 **SEC. 3. URGENT REGULATORY RESPONSE FOR HONEYBEE**
11 **AND POLLINATOR PROTECTION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Administrator of
14 the Environmental Protection Agency shall suspend the
15 registration of imidacloprid, clothianidin, thiamethoxam,
16 dinotafuran, and any other members of the nitro group
17 of neonicotinoid insecticides to the extent such insecticide
18 is registered, conditionally or otherwise, under the Federal
19 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136
20 et seq.) for use in seed treatment, soil application, or foliar
21 treatment on bee-attractive plants, trees, and cereals until
22 the Administrator has made a determination that such in-
23 secticide will not cause unreasonable adverse effects on
24 pollinators based on—

1 (1) an evaluation of the published and peer-re-
2 viewed scientific evidence on whether the use or uses
3 of such neonicotinoids cause unreasonable adverse
4 effects on pollinators, including native bees, honey-
5 bees, birds, bats, and other species of beneficial in-
6 sects; and

7 (2) a completed field study that meets the cri-
8 teria required by the Administrator and evaluates
9 residues, including residue buildup after repeated
10 annual application, chronic low-dose exposure, cumu-
11 lative effects of multiple chemical exposures, and any
12 other protocol determined to be necessary by the Ad-
13 ministrator to protect managed and native polli-
14 nators.

15 (b) CONDITIONS ON CERTAIN PESTICIDES REG-
16 ISTRATIONS.—Notwithstanding section 3 of the Federal
17 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
18 136a), for purposes of the protection of honeybees, other
19 pollinators, and beneficial insects, the Administrator of
20 the Environmental Protection Agency shall not issue any
21 new registrations, conditional or otherwise, for any seed
22 treatment, soil application, and foliar treatment on bee-
23 attractive plants, trees, and cereals under such Act until
24 the Administrator has made the determination described
25 in subsection (a), based on an evaluation described in sub-

1 section (a)(1) and a completed field study described in
2 subsection (a)(2), with respect to such insecticide.

3 (c) MONITORING OF NATIVE BEES.—The Secretary
4 of the Interior, in coordination with the Administrator of
5 the Environmental Protection Agency, shall, for purposes
6 of protecting and ensuring the long-term viability of native
7 bees and other pollinators of agricultural crops, horti-
8 cultural plants, wild plants, and other plants—

9 (1) regularly monitor the health and population
10 status of native bees, including the status of native
11 bees in agricultural and nonagricultural habitats and
12 areas of ornamental plants, residential areas, and
13 landscaped areas;

14 (2) identify the scope and likely causes of un-
15 usual native bee mortality; and

16 (3) beginning not later than 180 days after the
17 date of the enactment of this Act and each year
18 thereafter, submit to Congress, and make available
19 to the public, a report on such health and population
20 status.

○