Memorandum of Support

April 4, 2022

A.9079-A (Burdick)/S.8378-B (Harckham)

Purpose: To prohibit the application of pesticides to certain local freshwater wetlands.

Statement of Support: Wetlands provide critical ecosystem services for communities across the state, including the ability to mitigate flooding impacts, filter surface waters of pollutants, recharge drinking water, sequester greenhouse gasses, and provide critical habitat to plants and wildlife. Unfortunately, our freshwater wetlands are in crisis. Human development, invasive species, climate change, and pollution are continuing to damage our wetlands and impair the ecosystem services they provide. The U.S. Environmental Protection Agency (EPA) estimates that New York State has already lost 60% of its historic wetlands. The application of pesticides and herbicides to wetlands only adds to these threats.

The NYS Department of Environmental Conservation (DEC) has regulatory authority to set minimum limits on the applications of pesticides within areas designated as wetlands. Local governments are not currently able to expand, create, or implement tighter restrictions on the applications of pesticides within their borders. This bill would enable local governments to increase protections to wetlands by adding further restrictions to prohibit the application of pesticides to wetlands it regulates. The legislation would not authorize local governments to create laws that would loosen or relax existing or future regulations promulgated by the DEC.

There is considerable concern from biologists and recreational and commercial fisheries experts that pesticides sprayed in wetlands targeting mosquitoes are impacting non-target crustaceans such as horseshoe crabs, crayfish, blue crabs, spider crabs, jonah crabs, lobster and grass shrimp, as they share some of the same physiological traits as insects. The National Pesticide Information Center reports that several targeted insecticides are also toxic to some fish and may accumulate in fish tissues. While we must continue to combat insect-borne illnesses, we must also make sure that we are not doing more harm than good in addressing mosquito populations. Promising research suggests that alternatives to the more commonly used pesticide methoprene may exist that specifically target mosquitoes and black flies, but do little harm to non-target species. Ultimately, healthy dragonfly populations may be our best line of defense against nuisance mosquitoes— and harmful spraying programs in wetlands may be obliterating this potent mosquito-eating insect.

The current general crisis surrounding New York’s wetlands stems from decades of regressive court decisions, federal rollbacks, insufficient DEC permitting capacity, and political pressure to stifle an already broken wetlands mapping program that shields

important habitat from protection. The added pressure of pollution and indiscriminate application of pesticides and herbicides to wetlands only furthers the problem.

A.9079/S.8378 will give local governments greater authority to limit pesticide usage in local watersheds and encourage improved management of these important natural areas on a more local scale, which in turn would enhance the status of our state’s wetlands as a whole. The vision of a climate-resilient and adaptive New York State is not possible without healthy wetlands, and this bill would help contribute to wetlands protection starting at the local level.

**The Sierra Club Atlantic Chapter Strongly Urges Your Support of A.9079-A/S.8378-A**