

118TH CONGRESS
1ST SESSION

H. R. 4277

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 22, 2023

Mr. BLUMENAUER (for himself and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

18 (3) Documented incidents of colony collapse dis-
19 order and other forms of excess bee mortality have
20 been at a record high, with some beekeepers repeat-
21 edly losing 100 percent of their operations. National
22 surveys report an 11-year average loss of 39 percent
23 of honey bee colonies, with the 2020–2021 season
24 representing the highest hive loss on record at over
25 50 percent.

1 (4) The national honey crop is down over 29
2 percent since 2014, and 2021 was the first time in
3 35 years that honey yield rates dipped below 50
4 pounds per hive.

5 (5) According to scientists at the United States
6 Department of Agriculture, current losses of honey
7 bee colonies are too high to confidently ensure the
8 United States will be able to meet the pollination de-
9 mands for agricultural crops.

10 (6) More than one-quarter of North American
11 bumble bees are facing risk of extinction, while
12 iconic species like the monarch butterfly and the
13 American bumblebee have declined by 85 percent
14 and 90 percent respectively. More than 70 pollinator
15 species are listed as threatened or endangered, with
16 the rusty patched bumble bee, powesheik skipperling,
17 and Dakota skipper listed within this past decade
18 due, in part, to threats from pesticides.

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

23 (8) Neonicotinoid pesticides cause sublethal ef-
24 fects, including impaired foraging and feeding be-
25 havior, disorientation, weakened immunity, delayed

1 larval development, and increased susceptibility to
2 viruses, diseases, and parasites. Numerous reports
3 also document acute, lethal effects from the applica-
4 tion of neonicotinoid pesticides.

5 (9) The overwhelming body of scientific evi-
6 dence concludes that systemic pesticides, primarily
7 neonicotinoid pesticides, are causing significant dam-
8 age to a wide range of beneficial invertebrate spe-
9 cies, are a key factor in the decline of bees, lead to
10 high levels of freshwater contamination, and pose a
11 global threat to ecosystem services.

12 (10) Both Canada and the European Union
13 have recently moved to ban outdoor uses of the
14 neonicotinoid pesticides imidacloprid, clothianidin,
15 and thiamethoxam and restrict its use as a seed-
16 coating, citing extreme risks to bees, other insects,
17 the health of waterways, and the overall ecosystem.

18 (11) Seeds coated with neonicotinoid pesticides
19 are used on nearly 150 million acres across the
20 country, where they cause both acute and chronic
21 bee kills, contribute to pollinator decline, pollute soil
22 and water, and harm wildlife, including threatened
23 and endangered invertebrate and bird species. This
24 seed coating is prophylactic, meaning it is used even
25 where it is not even targeting a specific pest prob-

1 lem. The vast majority of some commodity crops,
2 such as corn, are grown using neonicotinoid pes-
3 ticide-coated seeds.

4 (12) Studies have shown that ingestion of a sin-
5 gle corn kernel coated with neonicotinoid pesticides
6 using is toxic enough to kill a songbird, while assess-
7 ments by the Environmental Protection Agency have
8 found that neonicotinoid pesticide seed coatings pro-
9 vide little benefit to overall soybean crop yield, with
10 other agency studies determining that seed coatings
11 in approximately 80 to 90 percent of row crop are
12 unnecessary.

13 (13) In addition to concerns raised by sci-
14 entists, Federal agencies and conservationists, State
15 pesticide regulators have urged the Environmental
16 Protection Agency to address the ubiquitous and un-
17 regulated use of neonicotinoid pesticide seed coatings
18 and their harmful impacts. The Association of
19 American Pesticide Control Organization's State
20 FIFRA Issues Research and Evaluation Group has
21 raised concern about the adverse impacts of
22 neonicotinoid pesticide-treated seeds, and has pushed
23 the Environmental Protection Agency for additional
24 measures to protect people and the environment
25 from unregulated use of treated seeds.

1 (14) In late 2022, the Environmental Protec-
2 tion Agency denied a legal petition to close a loop-
3 hole that exempts neonicotinoid pesticide seed coat-
4 ings from the pesticide registration and labeling re-
5 quirements of the Environmental Protection Agency
6 that are meant to protect people and the environ-
7 ment from harm.

8 (15) In late 2022, the U.S. Court of Appeals
9 for the Ninth Circuit held that the decision of the
10 Environmental Protection Agency to allow new uses
11 of the most recently approved neonicotinoid insecti-
12 cide, sulfoxaflor, was in violation of the Endangered
13 Species Act. The EPA's own assessments of
14 sulfoxaflor had found significant harm to pollinators
15 from sulfoxaflor.

16 (16) In 2022, the United States Fish and Wild-
17 life Service established the Center, with a key task
18 of identifying and coordinating actions across the
19 agency and with other partners to reverse pollinator
20 declines.

21 (17) Insect biodiversity is essential to the prop-
22 er functioning of ecosystems, and worldwide declines
23 driven by the expansion of industrial agriculture and
24 systemic use of pesticides use are disrupting polli-
25 nation, natural pest control, food resources, nutrient

1 recycling, and decomposition services provided by in-
2 sects.

3 (18) Since insects constitute the world's most
4 abundant and speciose animal group and provide
5 critical ecosystem services, such event cannot be ig-
6 nored and should prompt decisive action to avert a
7 catastrophic collapse of nature's ecosystems.

8 (19) Neonicotinoid insecticides play an outsized
9 role in driving pollinator declines in the United
10 States and urgent action on neonicotinoid insecti-
11 cides has been recommended by scientists as a meas-
12 ure that would provide immediate benefit to restore
13 beleaguered pollinator populations.

14 **SEC. 3. URGENT REGULATORY RESPONSE FOR HONEY BEE**
15 **AND POLLINATOR PROTECTION.**

16 (a) IN GENERAL.—

17 (1) CANCELLATION.—Effective on the date of
18 enactment of this subsection—

19 (A) neonicotinoid pesticides shall be
20 deemed to generally cause unreasonable adverse
21 effects to the environment; and

22 (B) notwithstanding any other provision of
23 law, including section 6(b) of the Federal Insec-
24 ticide, Fungicide, and Rodenticide Act (7
25 U.S.C. 136(d)), the registration of all uses of

1 neonicotinoid pesticides shall be immediately
2 and permanently canceled by operation of law
3 and without further proceedings.

4 (2) REVOCATION OF TOLERANCES AND EXEMP-
5 TIONS.—Not later than 6 months after the date of
6 enactment of this subsection, the Administrator
7 shall, in accordance with section 408(b)(1)(B) of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 346a(b)(1)(B)), revoke any tolerance or exemption
10 that allows the presence of a neonicotinoid pesticide,
11 or any pesticide chemical residue that results from
12 neonicotinoid pesticide use, in or on food.

13 (b) SALE OF EXISTING STOCKS PROHIBITED.—Ef-
14 fective on the date of enactment of this subsection, the
15 continued sale or use of existing stocks of neonicotinoid
16 pesticides shall be prohibited.

17 (c) NO FUTURE NEONICOTINOID PESTICIDE REG-
18 ISTRATIONS.—Effective on the date of enactment of this
19 subsection, the Administrator may not register any
20 neonicotinoid pesticide under section 4 of the Federal In-
21 secticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-
22 1).

23 (d) TREATED SEEDS NO LONGER EXEMPT.—Effec-
24 tive on the date of enactment of this subsection, the Ad-
25 ministrator shall no longer consider seeds for planting

1 coated with systemic pesticides intended to kill pests of
2 the plant instead of pests of the seed itself as a treated
3 article as defined in section 152.25(a) of title 40, Code
4 of Federal Regulations (or successor regulations).

5 (e) EXEMPTIONS.—

6 (1) IN GENERAL.—An exemption under section
7 18 of the Federal Insecticide, Fungicide, and
8 Rodenticide Act (7 U.S.C. 136p) may only be made
9 with respect to the use by a Federal or State agency
10 of a neonicotinoid pesticide—

11 (A) to—

12 (i) quarantine invasive species as de-
13 scribed in section 166.2(b) of title 40,
14 Code of Federal Regulations (or successor
15 regulations); or

16 (ii) protect public health as described
17 in section 166.2(c) of title 40, Code of
18 Federal Regulations (or successor regula-
19 tions);

20 (B) if the relevant agency engages in for-
21 mal consultation with the Secretary of the Inte-
22 rior under section 7(a) of the Endangered Spe-
23 cies Act of 1973 (16 U.S.C. 1536(a)); and

1 (C) if the Secretary of the Interior, acting
2 through the Director of the Center, approves
3 the exemption.

4 (2) LIMITATIONS.—If the Administrator, in
5 consultation with the expert wildlife agencies and
6 Center make a determination under paragraph (1)
7 with respect to an exemption under section 18 of the
8 Federal Insecticide, Fungicide, and Rodenticide Act
9 (7 U.S.C. 136p), the exemption shall be for no more
10 than 6 months at a time. New consultation shall be
11 required for additional approvals.

12 **SEC. 4. INCREASED COORDINATION WITH CENTER FOR**
13 **POLLINATOR CONSERVATION.**

14 (a) IN GENERAL.—The Center shall develop and co-
15 ordinate the policies and activities of the United States
16 Fish and Wildlife Service to conserve pollinators and re-
17 verse declines in pollinator populations, taking into ac-
18 count the widespread use of neonicotinoid pesticides, other
19 systemic insecticides, and other pesticides, including by
20 carrying out the following activities:

21 (1) Take measures to reverse declines in polli-
22 nator populations, including by identifying and ad-
23 dressing threats faced by pollinators, including the
24 immediate threats presented by neonicotinoid pes-

1 pesticides, other systemic insecticides, and other pes-
2 ticides.

3 (2) Educate the public regarding the impor-
4 tance of pollinators.

5 (3) Coordinate with the National Resource Con-
6 servation Service of the Department of Agriculture
7 to prioritize the health of pollinators in habitat con-
8 servation efforts carried out by participants in pro-
9 grams carried out by the National Resource Con-
10 servation Service.

11 (4) Coordinate interagency activities with the
12 Environmental Protection Agency, the National Ma-
13 rine Fisheries Service, the Department of Agri-
14 culture, and other Federal and State agencies, as
15 necessary, in carrying out the activities under this
16 subsection.

17 (5) Consult with scientists, conservation groups,
18 beekeepers, organic farmers, and other parties that
19 have a substantial interest in the protection and con-
20 servation of pollinators, as necessary, in carrying out
21 the activities under this subsection.

22 (6) Carry out such other activities as the Sec-
23 retary of the Interior determines appropriate.

24 (b) CONSULTATION.—

1 (1) IN GENERAL.—The head of each Federal
2 agency shall consult with the Director of the Center
3 to ensure that the conservation and protection of
4 pollinators are taken into account in the fulfillment
5 of the responsibilities of each such Federal agency
6 as they relate to pesticides under the Endangered
7 Species Act of 1973 (16 U.S.C. 1531 et seq.) and
8 the Federal Insecticide, Fungicide, and Rodenticide
9 Act (7 U.S.C. 136 et seq.) and any other applicable
10 law that may affect the health of pollinators.

11 (2) ENDANGERED SPECIES ACT OF 1973.—The
12 Director of the United States Fish and Wildlife
13 Service shall consult with the Director of the Center
14 on all decisions regarding the preservation of endan-
15 gered pollinator habitat and the creation of new such
16 habitat that arise in the context of the Endangered
17 Species Act of 1973 (16 U.S.C. 1531 et seq.).

18 (c) MONITORING OF NATIVE BEES.—

19 (1) IN GENERAL.—The Center shall, for the
20 purposes of protecting and ensuring the long-term
21 viability of native bees and other pollinators, carry
22 out the following activities:

23 (A) Consult with members of the Polli-
24 nating Insect-Biology, Management, System-
25 atics Research unit of the Agricultural Re-

1 search Service of the Department of Agri-
2 culture, taxonomists who survey and identify
3 native bees, and other pollinator scientists with
4 respect to the best methods and data collection
5 practices for monitoring the population status
6 of native bees and other pollinators.

7 (B) Monitor the health and population sta-
8 tus of native bees, including the population sta-
9 tus of native bees in agricultural and non-
10 agricultural habitats, including rural, urban,
11 and suburban areas within each of the 12 re-
12 gions depicted as a “DOI Unified Region” on
13 the map titled “USGS Regions Aligned to DOI
14 Unified Regions” and dated August 16, 2019.

15 (C) Track new scientific developments with
16 regard to the impacts of pesticides on polli-
17 nators and publish an annual report that in-
18 clude policy recommendations to reduce such
19 impacts.

20 (D) Identify the scope and likely causes of
21 incidents of unusual native bee mortality and
22 promote actions to stop additional such inci-
23 dents.

24 (2) REPORT.—Not later than 180 days after
25 the date of the enactment of this section, and annu-

1 ally thereafter, the Director of the Center shall sub-
2 mit to Congress, and make available to the public on
3 the website of the Center, a report regarding the
4 health and population status of native bees and
5 other pollinators.

6 **SEC. 5. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) CENTER.—The term “Center” means the
12 Center for Pollinator Conservation of the United
13 States Fish and Wildlife Service.

14 (3) NEONICOTINOID PESTICIDE.—The term
15 “neonicotinoid pesticide” means any active ingre-
16 dient or pesticide product that contains at least 1 of
17 the active ingredients—

18 (A) imidacloprid;

19 (B) clothianidin;

20 (C) thiamethoxam;

21 (D) dinotefuran;

22 (E) acetamiprid;

23 (F) sulfoxaflor;

24 (G) flupyradifurone;

25 (H) chlorantraniliprole; or

1 (I) fipronil.

2 (4) POLLINATOR.—the term “pollinator”
3 means—

4 (A) a species of the class Insecta that
5 move pollen from one part of a plant to an-
6 other; and

7 (B) any other species determined by the
8 Secretary of the Interior to constitute a polli-
9 nator that merits protection under the provi-
10 sions of this Act.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
13 this Act—

14 (1) \$3,000,000 for fiscal year 2024 through
15 2026;

16 (2) \$4,000,000 for fiscal year 2027 through
17 2030; and

18 (3) such sums as are necessary to carry out the
19 provisions of this Act thereafter.

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