



Bill Review: Illinois HB 5900 and S. 2965—Saving Pollinators Act

Summary:

HB 5900 and S. 2965—Saving Pollinators Act (OUTDOOR and STATE PROPERTY NEONICOTINOID BAN) was recently introduced in the Illinois House of Representatives and Senate. In the House, the primary sponsor is Representative Will Guzzardi (D). House Assistant Majority Leader Elaine Nekritz (D) also added her support as a co-sponsor. In the Senate, the primary sponsor is Senator Don Harmon (D). It was referred to the five-member House Rules and Senate Assignments Committees (3D-2R) on 2/11/16 and 2/18/16 respectively. No hearings or votes have been scheduled as of 2/19/2016. The bill is identical in both chambers and would ban the application of neonicotinoids on public lands owned or maintained by the State of Illinois and ban outdoor uses altogether. Structural use of neonicotinoids is not mentioned.

Points of Interest

1) Does this Ban Extend to the Inside of State-Owned Structures?

While the Department of Public Health regulates structural applications of pesticides, this bill may result in the Department of Agriculture crossing over into the structural realm. More clarification is needed. The bill bans the use of neonicotinoids, “on any lands owned or maintained by the State of Illinois.” For example, does this ban the use of neonicotinoids in dormitories at Northern Illinois University or Illinois State University? Or does this only apply to the outdoor areas of state-owned lands? Does it apply to public housing units? The scope of the ban on state-owned lands is unclear as written.

2) Allows for Local Governments to Adopt More Stringent Laws Regarding the Use of Neonicotinoids

Currently, the State of Illinois does not allow for local governments to adopt their own laws in regards to pesticides, except for Cook County. This opens the door for stricter local government laws pertaining to neonics. In theory, this provision could facilitate a patchwork of different neonic laws varying from municipality to municipality across Illinois.

3) Large Scope Outdoor Ban

The ban is essentially universal for outdoor settings: “Beginning 9 months after the effective date of this Act, it shall be unlawful to apply neonicotinoid insecticides in any other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in Illinois.”

4) Exemptions

Two exemptions:

- A. The exact date to be determined by the Department of Agriculture, but neonics are allowed to be used in outdoor settings up to one-year or less of the bill's passage (If purchased before passage date of bill). Essentially, a phase-out and grace period of neonics.
- B. Any facility or other entity that is State-licensed or federally-licensed to conduct research on neonicotinoid insecticides.

5) Future Rulemaking, Study and Reevaluation, and Intent

- A) The Department of Agriculture must adopt rules within six months of passage, potentially expanding the scope of the ban.
- B) The Department of Agriculture must conduct a study and evaluate whether the outdoor application of neonics is safe for honey bees, other organisms, and the general environment. This study must be reported to the Governor and Chairs of the House/Senate Committees on Agriculture within one year of passage.
- C) There needs to be clarification on the intent of the bill. One portion of the bill's intent reads, "To defend and protect Illinois' agricultural economy and natural ecosystems. This Act shall be **liberally construed** to fulfill these purposes." It is unclear as to what the limits to the term "liberally construed" are.