

Urge Governor Hochul to Sign the Wetlands Protection Bill A5949(Burdick)/S5947(Harckham)

A Call to Action:

Help us by calling (518) 474-8390 or emailing www.governor.ny.gov/content/governor-contact-form to urge Governor Hochul to sign bill A5949/S5947. This bill is a pivotal step in strengthening the guardianship of vital freshwater wetland ecosystems by empowering local governments to fine-tune pesticide regulations in response to their unique ecological contexts. This bill amplifies environmental protection efforts without compromising on controlled interventions.

Overview:

Bill A5949/S5947 presents a critical safeguard for our local freshwater wetlands within their borders by empowering localities to prohibit the use of pesticides in specific wetland areas, bolstering environmental protection efforts while preserving crucial ecosystems. This legislation strikes a careful balance between safeguarding native plant species and controlling invasive species, pests, and noxious weeds.

The Significance of Wetlands:

New York State has approximately 2.4 million acres of wetlands. From the picturesque Adirondacks to the sprawling Lake Plains, wetlands are critical to water quality and offer diverse habitats for a myriad of plant and animal species. The health of these wetlands transcends local significance as they play a pivotal role in water purification, flood control, and carbon sequestration, contributing to both local and global ecological stability.

Current Regulatory Gaps:

Since the 1970s, the Environmental Conservation Law (ECL) has granted statutory authority for local governments to enact freshwater wetland laws. Local laws have effectively complemented the New York State Department of Environmental Conservation (DEC) programs for over 50 years, with approximately 100 local governments adopting them.

Presently, the DEC holds authority to set baseline restrictions on pesticide use. However, local governments lack authority to prohibit pesticide applications. This creates a regulatory gap, leaving some of our most delicate ecosystems vulnerable to pesticide exposure. Earlier this year in *Sackett v. EPA*, the U.S. Supreme Court's decision reduced the EPA's authority over millions of wetland acres, prompting the urgent need for state and local governments to fill this regulatory gap.

The Power of Local Governance:

Bill A5949/S5947 seeks to bridge this gap by granting local governments the ability to enact stricter limitations on pesticide applications to freshwater wetlands within their jurisdictions. This legislation does not dilute or weaken DEC regulations. The bill recognizes that the ecological nuances of different freshwater wetlands call for tailored preservation strategies.

Limitations of the DEC:

The Department can only regulate wetlands 12.4 acres or larger, and a decrease to 7.4 acres threshold won't take effect until 2028. Smaller, ecologically significant wetlands, such as vernal pools under an acre, often go unnoticed and need local attention due to DEC staffing limitations.

Balancing Protection and Control:

Crucially, Bill A5949/S5947 maintains a balanced approach by allowing targeted pesticide application when the DEC finds it essential for controlling invasive species, pests, noxious weeds, and for the protection of native plant species. This provision ensures that ecosystems vulnerable to disruption are safeguarded, while invasive threats are managed responsibly. The bill does not interfere with the DEC's role in registering pesticides, ensuring proper labeling, and other aspects of its program. The bill thus harmonizes environmental conservation with pragmatic management practices.