

176th CONGRESS

S.1

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2024

Introduced by Mr. Pluribus, Mr. Morales, Mr. Ross
FROM THE HOUSE: Mr. Lockhart,

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pollinator Protection Act of 2024.”

SEC. 2. URGENT REGULATORY RESPONSE FOR HONEY BEE AND POLLINATOR PROTECTION.

(a) IN GENERAL.—

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

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

(B) notwithstanding any other provision of law, including section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(d)), the registration of all uses of neonicotinoid pesticides shall be immediately and permanently canceled by operation of law and without further proceedings.

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

(b) SALE OF EXISTING STOCKS PROHIBITED.—Effective on the date of enactment of this subsection, the continued sale or use of existing stocks of neonicotinoid pesticides shall be prohibited.

(c) NO FUTURE NEONICOTINOID PESTICIDE REGISTRATIONS.—Effective on the date of enactment of this subsection, the Administrator may not register any neonicotinoid pesticide under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1).

(d) TREATED SEEDS NO LONGER EXEMPT.—Effective on the date of enactment of this subsection, the Administrator shall no longer consider seeds for planting coated with systemic pesticides intended to kill pests of the plant instead of pests of the seed itself as a treated article as defined in section 152.25(a) of title 40, Code of Federal Regulations (or successor regulations).

(e) EXEMPTIONS.—

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

(A) to—

(i) quarantine invasive species as described in section 166.2(b) of title 40, Code of Federal Regulations (or successor regulations);
or

(ii) protect public health as described in section 166.2(c) of title 40, Code of Federal Regulations (or successor regulations);

(B) if the relevant agency engages in formal consultation with the Secretary of the Interior under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)); and

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

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

**SEC. 3. INCREASED COORDINATION WITH CENTER FOR
POLLINATOR CONSERVATION.**

(a) IN GENERAL.—The Center shall develop and coordinate the policies and activities of the United States Fish and Wildlife Service to conserve pollinators and reverse declines in pollinator populations, taking into account the widespread use of neonicotinoid pesticides, other systemic insecticides, and other pesticides, including by carrying out the following activities:

(1) Take measures to reverse declines in pollinator populations, including by identifying and addressing threats faced by pollinators, including the immediate threats presented by neonicotinoid pesticides, other systemic insecticides, and other pesticides.

(2) Educate the public regarding the importance of pollinators.

(3) Coordinate with the National Resource Conservation Service of the Department of Agriculture to prioritize the health of pollinators in habitat conservation efforts carried out by participants in programs carried out by the National Resource Conservation Service.

(4) Coordinate interagency activities with the Environmental Protection Agency, the National Marine Fisheries Service, the Department of Agriculture, and other Federal and State agencies, as necessary, in carrying out the activities under this subsection.

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

(6) Carry out such other activities as the Secretary of the Interior determines appropriate.

(b) CONSULTATION.—

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

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

(c) MONITORING OF NATIVE BEES.—

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

(A) Consult with members of the Pollinating Insect-Biology, Management, Systematics Research unit of the Agricultural Research Service of the Department of Agriculture, taxonomists who survey and identify native bees, and other pollinator scientists with respect to the best methods and data collection practices for monitoring the population status of native bees and other pollinators.

(B) Monitor the health and population status of native bees, including the population status of native bees in agricultural and nonagricultural habitats, including rural, urban, and suburban areas within each of the 12 regions depicted as a “DOI Unified Region” on the

map titled “USGS Regions Aligned to DOI Unified Regions” and dated August 16, 2019.

(C) Track new scientific developments with regard to the impacts of pesticides on pollinators and publish an annual report that include policy recommendations to reduce such impacts.

(D) Identify the scope and likely causes of incidents of unusual native bee mortality and promote actions to stop additional such incidents.

(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and annually thereafter, the Director of the Center shall submit to Congress, and make available to the public on the website of the Center, a report regarding the health and population status of native bees and other pollinators.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency, or other such secretary or official under executive reorganization overseeing the Environmental Protection Agency.

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

(3) NEONICOTINOID PESTICIDE.—The term “neonicotinoid pesticide” means any active ingredient or pesticide product that contains at least 1 of the active ingredients—

- (A) imidacloprid;
- (B) clothianidin;
- (C) thiamethoxam;
- (D) dinotefuran;
- (E) acetamiprid;
- (F) sulfoxaflor;
- (G) flupyradifurone;
- (H) chlorantraniliprole; or
- (I) fipronil.

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

(A) a species of the class Insecta that move pollen from one part of a plant to another; and

(B) any other species determined by the Secretary of the Interior to constitute a pollinator that merits protection under the provisions of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) \$10,000,000 for fiscal month periods 2024 through 2026;
- (2) \$12,000,000 for fiscal month periods 2027 through 2030; and

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