



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #25

January 23, 2024

S. 7098

By: Senator Holyman-Sigal

A. 7808

By: M. of A. Kelles

Senate Committee: Investigations and
Government
Operations

Assembly Committee: Governmental Operations

Effective Date: Immediately

AN ACT to amend the public buildings law, in relation to directing the commissioner of general services to incorporate practices and strategies to reduce bird fatality resulting from collisions with certain state-owned buildings, and for other purposes

LAW & SECTIONS REFERRED TO: Adds new section 147 of the Public Buildings Law to be known as the Bird Safe Buildings Act.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill amends the Public Buildings Law by adding new § 147 which mandates that the Commissioner of General Services (“Commissioner”) “incorporate features, practices, and strategies to reduce bird fatality resulting from collisions” into all buildings encompassed by the bill. Such buildings are “state- owned buildings,” and to the extent practicable, “state-leased buildings”¹ which are constructed or acquired, or for which more than fifty percent of the facade is substantially altered, after the bill’s effective date. All buildings on, or eligible to be on, the National Register for Historic Places are excluded.

The bill requires the Commissioner to consult with the Department of Environmental Conservation (“DEC”) to develop a design² to reduce bird fatalities resulting from collisions with covered buildings,

¹ The bill defines state-owned building and state-leased building in Public Buildings Law §147(1)(a) and (1)(b) respectively of the proposed Bird Safe Building Act.

² The design guide developed must updated every five years and be disseminated to all state agencies with leasing authority for buildings, and the Commissioner must annually certify to the Governor and the Senate that the mandated design is being used.

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both during all construction phases and during the maintenance of such buildings. It also mandates the development of best practices for reducing building collision-caused bird fatalities and the consideration of and participation with citizens' science-based efforts that document bird collisions in the state. The "best practices" are to include several listed factors, including the elimination of non-essential lighting, use of bird-safe film or other after-market products and/or architectural design elements to reduce bird collisions with buildings, use of bird-friendly glass in new construction or substantial building alterations, and the placement of landscaping and green roofs on buildings.

The loss of birds has become a significant area of concern in recent years, and statistics set forth in a June 2023 report of the Yale Bird-Friendly Building Initiative (www.bird-friendly.yale.edu)³ are staggering:

Nearly one out of every three breeding birds in North America has quietly disappeared since 1970, a loss of nearly three billion individual birds. Building collisions are among the leading direct causes of this massive decline with up to one billion birds killed by window collisions every year in the United States alone. That may represent as much as 2 to 10 percent of the country's entire bird population, and recent studies indicate that even one billion may be an undercount.⁴

Similarly, a recent *New York Times* article reported that a study of more than 500 species birds conducted by a collaborative team of researchers - from universities, government agencies and nonprofit organizations - concluded that the bird population in the United States and Canada had dropped by twenty-nine percent since 1970, equating to a loss of 2.9 billion birds.⁵ Kenneth V. Rosenberg, a conservation scientist at Cornell University and the American Bird Conservancy, responded to this study by saying "We were stunned by the result -- it's just staggering," and the president and CEO of the National Audubon Society, David Yarnold, was quoted as calling the findings "a full-blown crisis." The National Audubon Society itself declared a "Bird Emergency."⁶

Relating the loss of birds to building collisions, a 2023 American Bird Conservancy report cited Smithsonian research reporting that collisions likely kill between 365 million and 1 billion birds annually

³ The Yale Bird-Friendly Building Initiative is a collaboration of the Law, Ethics & Animals (LEAP) at Yale Law School, the Yale Peabody Museum of Natural History, the Yale Office of Sustainability, and American Bird Conservancy. This report was led by the Law, Ethics & Animals Program at Yale Law School in consultation with American Bird Conservancy.

⁴ Meredith Barges and Viveca Morris, "Building Safer Cities for Birds – How Cities Are Leading the Way on Bird-Friendly Building Policy," Yale Bird-Friendly Building Initiative, August 2023. This report was generated by the Law, Ethics & Animals Program at Yale Law School in consultation with American Bird Conservancy and can be found at https://law.yale.edu/sites/default/files/documents/pdf/building_safer_cities_for_birds.pdf (last visited 12/31/2023).

⁵ Zimmer, C. (2019, September 20). "An Ecological 'Crisis' as 2.9 Billion Birds Vanish." *New York Times*, A1(L). <https://link.gale.com/apps/doc/A600134944/SPJ.SP02?u=falopacplus&sid=bookmark-SPJ.SP02&xid=d67cc30e> (last visited 12/21/2023).

⁶ <https://www.audubon.org/news/audubon-declares-bird-emergency-demands-immediate-action-after-scientists-reveal> (last visited 12/31/2023).

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in the United States, with a median estimate of 599 million.⁷ Since 1980, nineteen localities, including New York City, four states and Washington, D.C. have taken affirmative action aimed at making birds' environments safer.⁸ New York City's Local Law 15 of 2020 became effective on January 1, 2021, and from it was developed the Bird Friendly Building Design and Construction Requirements Guidance Document, which is posted on the NYC Department of Buildings website.⁹

Birds fly into transparent building glass because they cannot see it. Many measures aimed at correcting that, including eliminating non-essential night lighting, may actually save money, while other measures such as adding decals or films to windows have little to no cost to implement.¹⁰ There are dramatic, documented positive effects of using more bird-friendly glass in New York City's Jacob Javitz Center ("JJC"). The state upgraded the JJC to increase energy efficiency almost twenty years ago, and the modifications included using fritted glass (containing dots which birds do see but humans do not), which made glass more effective at insulation and solar gain retention. The JJC reported that use of that glass resulted in a 90 percent reduction of bird collisions in addition to a 26 percent annual energy savings.¹¹

The Legislators of New York State should be commended for seeing the need to take action and help prevent building collision bird deaths.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

⁷ Christine Sheppard, Ph.D., and Bryan Lenz, Ph.D., March 06, 2019, "Birds Flying Into Windows? Truths About Birds & Glass Collisions from ABC Experts." <https://abcbirds.org/blog/truth-about-birds-and-glass-collisions> (last visited 12/31/2023).

⁸ Meredith Barges and Viveca Morris, "Building Safer Cities for Birds – How Cities Are Leading the Way on Bird-Friendly Building Policy," Yale Bird-Friendly Building Initiative, August 2023, at 3.

⁹ This documents can be found at https://www.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf (Last visited 1/1/2024.)

¹⁰ "[Preventing birds from crashing into windows can be an easy and inexpensive problem to solve." Meredith Barges and Viveca Morris, "Building Safer Cities for Birds – How Cities Are Leading the Way on Bird-Friendly Building Policy," Yale Bird-Friendly Building Initiative, August 2023, at 2.

¹² Javits Center, "More than 1,100 Bird Sightings and 17 Bird Species Observed on the Javits Center's Green Roof in 2015," press release, April 26, 2016, found at [javits-center-green-roof-study-4-26-16.pdf](http://javitscenter.com) (javitscenter.com) (last visited 1/1/2024.).