Sponsored by:
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS
The "Responsible Pesticide Use Recognition Act."

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the use of pesticides, and supplementing chapter 1F of Title 13 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the “Responsible Pesticide Use Recognition Act.”

2. a. The Legislature finds and declares that:
   (1) Responsible pesticide use is to be encouraged and integrated pest management programs are instrumental in preventing the misuse of pesticides that can pose risks to people, property, and the environment;
   (2) Integrated pest management is an approach to reducing the amount of total chemical pesticides used for controlling pests;
   (3) Integrated pest management is a sustainable approach to managing pests by using all appropriate technology and management practices in a way that minimizes health, environmental, and economic risks; and
   (4) Integrated pest management is an environmentally sound and cost-effective method for controlling pest problems that has demonstrated its effectiveness in various settings.

b. The Legislature therefore determines that it is the public policy of the State to encourage the use of integrated pest management to achieve voluntary reductions in the use of pesticides and the judicious use of pesticides, and that one method by which this may be accomplished is by recognizing the actions of the governing bodies of counties and municipalities, as well as individual residents, property owners, and business owners and operators, who adopt sound integrated pest management programs to voluntarily reduce their use of pesticides.

3. As used in this act:
   "Business owner or operator" means any person who owns or operates a property used for recreation, a trade, occupation or profession and may have been historically a user of large amounts of pesticides; or who, in the course of maintaining an office or other place of business for participating in a trade, occupation, or profession, may be called upon to choose a method of pest control for the maintenance of the property on which the office or other place of business is maintained. For the purposes of this act, the term "business owner or operator" shall not include any owner or operator of a farm or other business involved in agriculture.
   "Department" means the Department of Environmental Protection.
   "Eligible governing body" means the governing body of a county or a municipality participating in voluntary pesticide use reduction.
   "Integrated pest management" means a sustainable approach to
managing pests by using all appropriate technology and management practices in a way that minimizes health, environmental, and economic risks, and shall include, but need not be limited to, monitoring pest populations, consumer education, cultivation practices, sanitation, solid waste management, structural maintenance, and physical, mechanical, biological and chemical controls.

"Pesticide safe" means the absence of the use of any pesticides other than those intended to control pests that are directly or indirectly infectious or pathogenic to humans or pose other public health concerns.

"Resident" means a person who owns, rents or occupies residential property.

"Residential property" means any building or part of a building used, to be used, or held for use, as a home or residence, together with the land upon which it is located.

4. a. The Department of Environmental Protection shall develop a program for the recognition of voluntary pesticide use reduction. The department shall establish standards for the use of integrated pest management and designation as pesticide safe, compliance with which shall qualify counties and municipalities for recognition under the program. The department shall also establish standards for the use of integrated pest management and designation as pesticide safe, compliance with which shall qualify individual residents, property owners, and business owners or operators for recognition under the program. The department shall develop appropriate means of recognition, such as certificates or signs, and an official seal for the program to be used to recognize compliance with integrated pest management or pesticide safe standards established pursuant to this subsection. The department shall provide each county or municipality with a means of using the official seal for county or municipal signs, or recognition certificates or signs presented by the municipality, in accordance with the provisions of sections 5 and 6 of this act.

b. The department shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules or regulations establishing the standards for qualifying for certificates or signs for use of integrated pest management and designation as pesticide safe pursuant to subsection a. of this section, and may adopt any other rules and regulations necessary for the implementation of subsection a. of this section, as determined by the department.

c. The department shall develop the program required pursuant to this section in conjunction with the New Jersey Agricultural Experiment Station at Rutgers, the State University.

5. a. The department shall issue a certificate and, if appropriate and feasible, provide a sign to an eligible governing body upon its
pledge that integrated pest management is used upon all property under its jurisdiction, all of the property under its jurisdiction is pesticide safe, integrated pest management is used on a specific property, or a specific property is pesticide safe, as applicable and in accordance with the standards established pursuant to section 4 of this act.

b. An eligible governing body issued a certificate or provided a sign pursuant to subsection a. of this section may display the certificate or sign in a prominent location.

c. The eligible governing body may post the sign or display the certificate for such time as the property under its jurisdiction continues to meet the standards for the use of integrated pest management or designation as pesticide safe, as established pursuant to section 4 of this act.

d. The eligible governing body may publicize its receipt of recognition for its pesticide use reduction in any manner it deems appropriate.

6. a. A municipality may present a resident, property owner, or business owner or operator with a certificate or sign upon a pledge by the resident, property owner, or business owner or operator that a property meets the standards established pursuant to section 4 of this act for recognition for the use of integrated pest management on the property or designation of the property as pesticide safe. A municipality may implement a public education program to encourage the adoption by its residents, property owners, and business owners or operators of the integrated pest management or pesticide safe standards.

b. A resident, property owner, or business owner or operator presented with a certificate or a sign pursuant to subsection a. of this section may post or display the certificate or sign in a prominent location.

c. The resident, property owner or business owner or operator may post or display the certificate or sign for such time as the property continues to meet the standards for integrated pest management or pesticide safe designation as established pursuant to section 4 of this act.

7. This act shall take effect 180 days after enactment, except that the Commissioner of Environmental Protection may take any anticipatory administrative action in advance as may be necessary for the implementation of the act.

STATEMENT

This bill, the "Responsible Pesticide Use Recognition Act," encourages voluntary reduction in the use of pesticides throughout the State by recognizing counties, municipalities, and individual
residents, property owners, and business owners or operators who
voluntarily reduce their use of pesticides. This recognition would be
given for use of integrated pest management (IPM) or for being
“pesticide safe” as defined in the bill.

The bill defines IPM as a sustainable approach to managing pests
by using all appropriate technology and management practices in a
way that minimizes health, environmental, and economic risks,
including, but not limited to, monitoring pest populations, consumer
education, cultivation practices, sanitation, solid waste
management, structural maintenance, and physical, mechanical,
biological, and chemical controls. The bill defines pesticide safe as
the absence of the use of any pesticides other than those intended to
control pests that are directly or indirectly infectious or pathogenic
to humans or pose other public health concerns.

The bill directs the Department of Environmental Protection
(DEP) to develop a program for the voluntary reduction of pesticide
use. The bill also directs the DEP to establish standards for the use
of IPM and the designation as pesticide safe in order to qualify for
recognition under the program. The bill requires the DEP to adopt
rules or regulations establishing the standards for qualifying for
certificates or signs for recognition of the use of IPM or for being
pesticide safe, and authorizes the adoption of any other rules and
regulations determined to be necessary by the DEP for the
implementation of the program. The bill requires the DEP to
develop the program in conjunction with the New Jersey
Agricultural Experiment Station at Rutgers, the State University.

The bill provides that the DEP would issue a certificate or, if
appropriate and feasible, a sign to an eligible governing body upon
its pledge that IPM is used upon all property under its jurisdiction,
all property under its jurisdiction is pesticide safe, IPM is used on a
specific property, or a specific property is pesticide safe, as
applicable and in accordance with the standards. In addition, a
municipality may present a resident, property owner, or business
owner or operator with a certificate or sign upon a pledge by the
resident, property owner, or business owner or operator that the
property meets the standards established by the DEP to be
considered pesticide safe or that IPM is used on the property. The
bill excludes farms and businesses involved in agriculture from the
program established under the bill, as they have the opportunity to
participate in organic farming and IPM through a variety of other
programs.