

ASSEMBLY, No. 2596

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

The "Responsible Pesticide Use Recognition Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of pesticides, and supplementing
2 chapter 1F of Title 13 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the
8 "Responsible Pesticide Use Recognition Act."

9

10 2. a. The Legislature finds and declares that:

11 (1) Responsible pesticide use is to be encouraged and integrated
12 pest management programs are instrumental in preventing the
13 misuse of pesticides that can pose risks to people, property, and the
14 environment;

15 (2) Integrated pest management is an approach to reducing the
16 amount of total chemical pesticides used for controlling pests;

17 (3) Integrated pest management is a sustainable approach to
18 managing pests by using all appropriate technology and
19 management practices in a way that minimizes health,
20 environmental, and economic risks; and

21 (4) Integrated pest management is an environmentally sound and
22 cost-effective method for controlling pest problems that has
23 demonstrated its effectiveness in various settings.

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

33

34 3. As used in this act:

35 "Business owner or operator" means any person who owns or
36 operates a property used for recreation, a trade, occupation or
37 profession and may have been historically a user of large amounts
38 of pesticides; or who, in the course of maintaining an office or other
39 place of business for participating in a trade, occupation, or
40 profession, may be called upon to choose a method of pest control
41 for the maintenance of the property on which the office or other
42 place of business is maintained. For the purposes of this act, the
43 term "business owner or operator" shall not include any owner or
44 operator of a farm or other business involved in agriculture.

45 "Department" means the Department of Environmental
46 Protection.

47 "Eligible governing body" means the governing body of a county
48 or a municipality participating in voluntary pesticide use reduction.

49 "Integrated pest management" means a sustainable approach to

1 managing pests by using all appropriate technology and
2 management practices in a way that minimizes health,
3 environmental, and economic risks, and shall include, but need not
4 be limited to, monitoring pest populations, consumer education,
5 cultivation practices, sanitation, solid waste management, structural
6 maintenance, and physical, mechanical, biological and chemical
7 controls.

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

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

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

17

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

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

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

47

48 5. a. The department shall issue a certificate and, if appropriate
49 and feasible, provide a sign to an eligible governing body upon its

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1 pledge that integrated pest management is used upon all property
2 under its jurisdiction, all of the property under its jurisdiction is
3 pesticide safe, integrated pest management is used on a specific
4 property, or a specific property is pesticide safe, as applicable and
5 in accordance with the standards established pursuant to section 4
6 of this act.

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

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

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

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

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

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

38

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

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STATEMENT

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47 This bill, the "Responsible Pesticide Use Recognition Act,"
48 encourages voluntary reduction in the use of pesticides throughout
49 the State by recognizing counties, municipalities, and individual

1 residents, property owners, and business owners or operators who
2 voluntarily reduce their use of pesticides. This recognition would be
3 given for use of integrated pest management (IPM) or for being
4 “pesticide safe” as defined in the bill.

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

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

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