

[First Reprint]

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STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED FEBRUARY 24, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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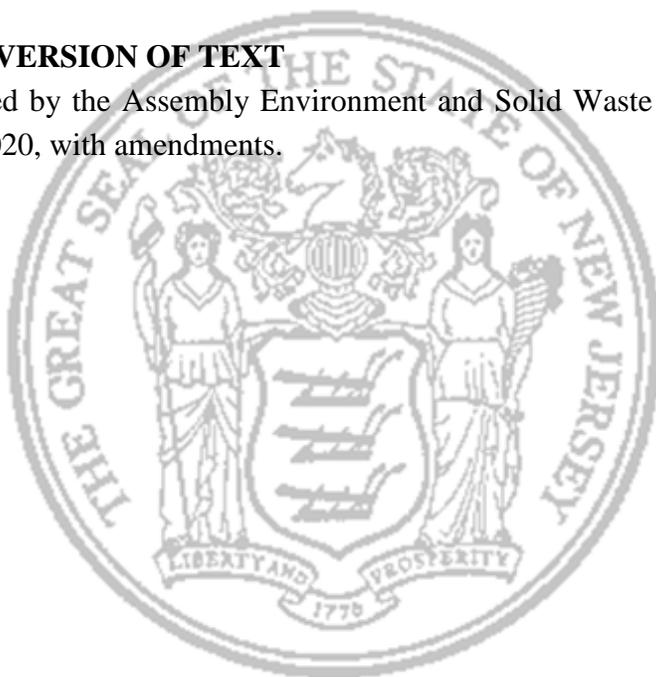
Senator Turner

SYNOPSIS

Restricts use of neonicotinoid pesticides.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on October 8, 2020, with amendments.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning the use of neonicotinoid pesticides ¹[and other
2 systemic insecticides]¹ and supplementing P.L.1971, c.176
3 (C.13:1F-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. As used in sections 1 through 3 of P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 “Agricultural plant” means any plant ¹, or part thereof,¹ grown
11 ¹[or] ¹,¹ maintained ¹, or otherwise produced¹ for commercial ¹[or
12 research]¹ purposes ¹,¹ including ¹[, but not limited to, food, feed,
13 fiber plants, trees, turf grass, flowers, shrubs, ornamentals, and
14 seedlings] any plant grown, maintained, or otherwise produced for
15 sale or trade, for research or experimental purposes, or for use in part
16 or their entirety in another location. “Agricultural plant” includes, but
17 is not limited to, grains, fruits, and vegetables; wood fiber or timber
18 products; flowering and foliage plants and trees; seedlings and
19 transplants; and turf grass produced for sod. “Agricultural plant” does
20 not include pasture or rangeland used for grazing¹ .

21 “Environmental emergency” means an occurrence of any pest
22 which presents a significant risk of harm or injury to the
23 environment, ¹or significant harm, injury, or loss to agricultural
24 crops,¹ including, but not limited to, any exotic or foreign pest
25 which may need preventative quarantine measures to avert or
26 prevent that risk, as determined by the ¹[department] Department of
27 Environmental Protection¹ in consultation with ¹the New Jersey
28 Department of Agriculture and¹ Rutgers, the State University ¹[,
29 the Department of Health, and the United States Environmental
30 Protection Agency]¹ .

31 “Neonicotinoid pesticide” means any pesticide containing a
32 chemical belonging to the neonicotinoid class of chemicals,
33 including, but not limited to, acetamiprid, clothianidin, dinotefuran,
34 ¹flonicamid,¹ imidacloprid, nitenpyram, nithiazine, thiacloprid,
35 thiamethoxam, or any other chemical designated by the department
36 as belonging to the neonicotinoid class of chemicals.

37 “Restricted use pesticide” means a pesticide that can be
38 purchased and used only by a certified and licensed pesticide
39 applicator, as determined by the department pursuant to the
40 “Pesticide Control Act of 1971,” P.L.1971, c. 176 (C.13:1F-1 et
41 seq.), or persons working under the direct supervision of a certified
42 and licensed pesticide applicator.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEN committee amendments adopted October 8, 2020.

1 ¹“Systemic insecticide” means any active ingredient intended to
2 kill or otherwise harm insect or invertebrate wildlife and that
3 translocates into the tissue of plants, including, but not limited to,
4 any neonicotinoid pesticide. ¹

5
6 2. a. No later than ¹[180 days] 12 months¹ after the effective
7 date of this act, the department shall adopt, pursuant to the
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
9 seq.), rules and regulations classifying neonicotinoid pesticides as
10 restricted use pesticides.

11 b. No later than ¹[180 days] 12 months¹ after the effective
12 date of P.L. , c. (C.) (pending before the Legislature as this
13 bill), and every three years thereafter, the department shall review
14 the latest scientific information concerning ¹[systemic insecticides]
15 neonicotinoid pesticides¹ , and classify as a restricted use pesticide
16 any ¹[systemic insecticide] neonicotinoid pesticide¹ that the
17 department determines will cause harm to populations of pollinating
18 bees, birds, other pollinating wildlife, or aquatic invertebrates. Any
19 person may petition the department at any time to classify a
20 pesticide pursuant to this section.

21 c. The provisions of this section shall not apply to ¹: (1)¹
22 pet care, veterinary, personal care, or indoor pest control pesticide
23 product¹; (2) any pesticide-treated wood product; (3) the
24 application by a licensed pesticide applicator of a neonicotinoid
25 pesticide within seven feet of a building foundation perimeter to
26 manage structural pests provided that the neonicotinoid pesticide is
27 not applied on any plant; (4) any direct action taken by certified and
28 licensed responsible pesticide applicators or by persons working
29 under their direct supervision within the New Jersey Department of
30 Agriculture or its agents, or within the Department of
31 Environmental Protection or its agents, against any invasive plant or
32 pest; or (5) any application to protect agricultural seeds¹ .

33
34 3. a. No person shall sell, offer for sale, or use within the State
35 any neonicotinoid pesticide, unless such pesticide is registered ¹[for
36 use on,]¹ and will only be applied by a licensed pesticide applicator
37 to, an agricultural plant.

38 b. Notwithstanding the provisions of subsection a. of this
39 section to the contrary, the commissioner, in consultation with the
40 ¹New Jersey¹ Department of Agriculture, may, by written order,
41 permit a licensed pesticide applicator to use a pesticide that is
42 prohibited under subsection a. of this section if the commissioner
43 finds that:

44 (1) a valid environmental emergency exists;

45 (2) the pesticide would be effective in addressing the
46 environmental emergency; and

1 (3) no other, less harmful pesticide or pest management practice
2 would be effective in addressing the environmental emergency.
3 c. Any order issued by the commissioner pursuant to
4 subsection b. of this section shall include the basis for the
5 commissioner's determination and specify the approved time
6 period, geographic scope, and purpose of the permitted sale or use
7 of a pesticide. An order issued pursuant to this section shall be
8 valid for a period not to exceed one year.
9 d. The provisions of this section shall not apply to ¹: (1)¹ any
10 pet care, veterinary, personal care, or indoor pest control pesticide
11 product ¹; (2) any pesticide-treated wood product; (3) the
12 application by a licensed pesticide applicator of a neonicotinoid
13 pesticide within seven feet of a building foundation perimeter to
14 manage structural pests provided that the neonicotinoid pesticide is
15 not applied on any plant; (4) any direct action taken by certified and
16 licensed responsible pesticide applicators or by persons working
17 under their direct supervision within the New Jersey Department of
18 Agriculture or its agents, or within the Department of
19 Environmental Protection or its agents, against any invasive plant or
20 pest; or (5) any application to protect agricultural seeds¹.
21
22 4. This act shall take effect immediately.