

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1016

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)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Restricts use of neonicotinoid pesticides.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 3, 2021.



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

1 **AN ACT** concerning the use of neonicotinoid pesticides ¹**[and other**
2 systemic insecticides¹ 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, maintained ¹, or otherwise produced¹ for commercial ¹**[or**
12 research¹ purposes ¹,¹ including ¹**[**, but not limited to, food, feed,
13 fiber plants, trees, turf grass, flowers, shrubs, ornamentals, and
14 seedlings¹ 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 Agency¹ .

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-
41 1 et seq.), or persons working under the direct supervision of a
42 certified 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:

¹Assembly AEN committee amendments adopted October 8, 2020.

²Assembly AAP committee amendments adopted January 7, 2021.

³Assembly floor amendments adopted June 3, 2021.

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;

22 (1)¹ any pet care, veterinary, personal care, or indoor pest
23 control pesticide product ¹;

24 (2) any pesticide-treated wood product;

25 (3) the application by a licensed pesticide applicator of a
26 neonicotinoid pesticide within ²“seven feet” one foot² of a building
27 foundation perimeter to manage structural pests provided that the
28 neonicotinoid pesticide is not applied on any plant;

29 (4) any direct action taken by certified and licensed responsible
30 pesticide applicators or by persons working under their direct
31 supervision within the New Jersey Department of Agriculture or its
32 agents, or within the Department of Environmental Protection or its
33 agents, against any invasive plant or pest; or

34 (5) any application to protect agricultural seeds¹ .

35 ²Notwithstanding the provisions of paragraph (3) of this
36 subsection to the contrary, the application by a licensed pesticide
37 applicator of a neonicotinoid pesticide adjacent to a building
38 foundation perimeter to manage structural pests may be extended by
39 an additional four feet, if such additional area is necessary to treat
40 the source of the infestation and the application is limited to a spot
41 targeted treatment of the source of the infestation only.

42 d. Nothing in this section shall be construed to impose liability
43 on any news media that accept or publish advertising for any
44 product or activity that would otherwise be subject to the provisions
45 of this section.²

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

5 b. Notwithstanding the provisions of subsection a. of this
6 section to the contrary, the commissioner, in consultation with the
7 ¹New Jersey¹ Department of Agriculture, may, by written order,
8 ³permit a¹ authorize one or more³ licensed pesticide ³applicator³
9 applicators³ to use a pesticide that is prohibited under subsection a.
10 of this section if the commissioner finds that:

11 (1) a valid environmental emergency exists;

12 (2) the pesticide would be effective in addressing the
13 environmental emergency; and

14 (3) no other, less harmful pesticide or pest management practice
15 would be effective in addressing the environmental emergency.

16 c. Any order issued by the commissioner pursuant to
17 subsection b. of this section shall include the basis for the
18 commissioner's determination and specify the approved time
19 period, geographic scope, and purpose of the permitted sale or use
20 of a pesticide. An order issued pursuant to this section shall be
21 valid for a period not to exceed one year.

22 d. The provisions of this section shall not apply to ¹;

23 (1)¹ any pet care, veterinary, personal care, or indoor pest
24 control pesticide product ¹;

25 (2) any pesticide-treated wood product;

26 (3) the application by a licensed pesticide applicator of a
27 neonicotinoid pesticide within ²seven feet² one foot² of a building
28 foundation perimeter to manage structural pests provided that the
29 neonicotinoid pesticide is not applied on any plant;

30 (4) any direct action taken by certified and licensed responsible
31 pesticide applicators or by persons working under their direct
32 supervision within the New Jersey Department of Agriculture or its
33 agents, or within the Department of Environmental Protection or its
34 agents, against any invasive plant or pest; or

35 (5) any application to protect agricultural seeds¹.

36 ²Notwithstanding the provisions of paragraph (3) of this
37 subsection to the contrary, the application by a licensed pesticide
38 applicator of a neonicotinoid pesticide adjacent to a building
39 foundation perimeter to manage structural pests may be extended by
40 an additional four feet, if such additional area is necessary to treat
41 the source of the infestation and the application is limited to a spot
42 targeted treatment of the source of the infestation only.

43 e. Nothing in this section shall be construed to impose liability
44 on any news media that accept or publish advertising for any
45 product or activity that would otherwise be subject to the provisions
46 of this section.²

47
48 4. This act shall take effect immediately.