

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1016**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 8, 2020

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Senate Bill No. 1016 (SCS).

This bill, as amended by the committee, would direct the Department of Environmental Protection (DEP) to adopt, within 12 months after the bill is enacted into law, rules and regulations classifying neonicotinoid pesticides as restricted use pesticides. The bill would also direct the DEP, every three years, to review the latest scientific information concerning neonicotinoid pesticides, and classify as a restricted use pesticide any neonicotinoid pesticide that the DEP determines will cause harm to populations of pollinating bees, birds, other pollinating wildlife, or aquatic invertebrates. A restricted use pesticide is a pesticide that can be purchased and used only by a certified and licensed pesticide applicator, or persons working under the direct supervision of the certified and licensed pesticide applicator.

Under the bill, a person would be restricted from selling, offering for sale, or using within the State any neonicotinoid pesticide, unless the pesticide is registered and will only be applied by a licensed pesticide applicator to an agricultural plant. The bill would also authorize the DEP Commissioner, in consultation with the Department of Agriculture, to permit a licensed pesticide applicator to use a pesticide that is prohibited under the bill if the commissioner finds that: (1) a valid environmental emergency exists; (2) the pesticide would be effective in addressing the environmental emergency; and (3) no other, less harmful pesticide or pest management practice would be effective in addressing the environmental emergency. The bill defines “environmental emergency” as an occurrence of any pest which presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops, including, but not limited to, any exotic or foreign pest which may need preventative quarantine measures to avert or prevent that risk, as determined by the DEP in consultation with the Department of Agriculture and Rutgers, the State University.

The provisions of the bill would not apply to: (1) any pet care, veterinary, personal care, or indoor pest control pesticide product; (2) any pesticide-treated wood product; (3) the application by a licensed pesticide applicator of a neonicotinoid pesticide within seven feet of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant; (4) any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest; or (5) any application to protect agricultural seeds.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2070 (ACS) as reported by the committee.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) amend the definitions of “agricultural plant,” “environmental emergency,” and “neonicotinoid pesticide,” and delete the definition of “systemic insecticide”;

2) provide that the DEP would adopt rules and regulations no later than one year after the date of enactment of the bill, rather than no later than 180 days;

3) require the DEP, every three years, to review the latest scientific information concerning neonicotinoid pesticides, rather than “systemic insecticides”;

4) clarify, in subsection a. of section 3, that a neonicotinoid pesticide does not have to be registered “for use on” an agricultural plant, but rather than it is required to be registered and applied only by a licensed pesticide applicator to an agricultural plant, in order to be exempt from the prohibition in the bill;

5) provide that the provisions of the bill would not apply to: any pesticide-treated wood product; the application by a licensed pesticide applicator of a neonicotinoid pesticide within seven feet of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant; any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest; or any application to protect agricultural seeds; and

6) update the title and synopsis of the bill.