ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2070

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2070 ACS, with committee amendments.

This bill 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 one foot 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. The bill provides that, notwithstanding the provisions of the bill to the contrary, the application by a licensed pesticide applicator of a neonicotinoid pesticide adjacent to a building foundation perimeter to manage structural pests may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot targeted treatment of the source of the infestation only.

As reported by the committee, this bill is identical to Senate Bill No. 1016 (SCS) (1R) as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill provide that:

(1) the exemption in the bill for the application by a licensed pesticide applicator of a neonicotinoid pesticide to manage structural pests would apply when the application occurs within one foot, rather than seven feet, of a building foundation perimeter provided that the neonicotinoid pesticide is not applied on any plant, except that this distance may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot targeted treatment of the source of the infestation only; and

(2) the bill would not impose liability on any news media that accept or publish advertising for any product or activity that would otherwise be subject to the provisions of the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.