

ASSEMBLY SCIENCE, INNOVATION AND TECHNOLOGY
COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2070

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Science, Innovation and Technology Committee reports favorably and with committee amendments Assembly Bill No. 2070 (ACS) (2R).

As amended and reported, 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, beginning October 31, 2023, 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 Commissioner of Environmental Protection, in consultation with the Department of Agriculture, to authorize one or more licensed pesticide applicators 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) an application for the commercial production of a preserved 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 amended and reported by the committee, this bill is identical to Senate Bill No. 1016 (SCS) (3R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that the prohibition concerning the sale, offer for sale, or use within the State of any neonicotinoid pesticide would take effect one year after the bill is enacted into law. The amendments replace “any pesticide-treated wood product” with “an application for the commercial production of a preserved wood product” when referring to certain exceptions in the bill. The amendments provide that beginning October 31, 2023, 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 amendments also remove a reference to “this act” and replace it with a reference to the applicable pamphlet law.