

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2070

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED OCTOBER 8, 2020

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

Co-Sponsored by:

Assemblymen Johnson, Conaway, Giblin, Assemblywoman Jasey,

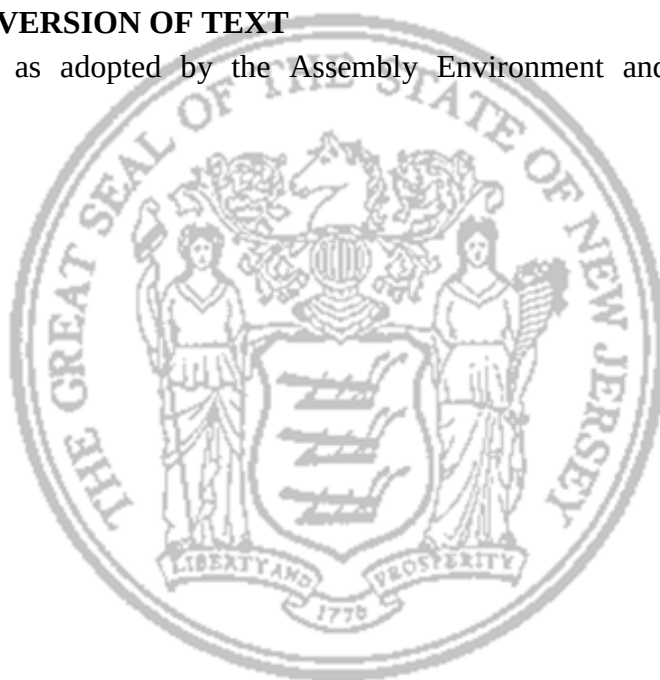
Assemblyman Danielsen and Assemblywoman Reynolds-Jackson

SYNOPSIS

Restricts use of neonicotinoid pesticides.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Environment and Solid Waste Committee.



(Sponsorship Updated As Of: 1/7/2021)

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

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

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

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

18 “Environmental emergency” means an occurrence of any pest
19 which presents a significant risk of harm or injury to the
20 environment, or significant harm, injury, or loss to agricultural
21 crops, including, but not limited to, any exotic or foreign pest which
22 may need preventative quarantine measures to avert or prevent that
23 risk, as determined by the Department of Environmental Protection in
24 consultation with the New Jersey Department of Agriculture and
25 Rutgers, the State University.

26 “Neonicotinoid pesticide” means any pesticide containing a
27 chemical belonging to the neonicotinoid class of chemicals,
28 including, but not limited to, acetamiprid, clothianidin, dinotefuran,
29 flonicamid, imidacloprid, nitenpyram, nithiazine, thiacloprid,
30 thiamethoxam, or any other chemical designated by the department
31 as belonging to the neonicotinoid class of chemicals.

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

38

39 2. a. No later than 12 months after the effective date of this
40 act, the department shall adopt, pursuant to the “Administrative
41 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
42 regulations classifying neonicotinoid pesticides as restricted use
43 pesticides.

44 b. No later than 12 months after the effective date of
45 P.L. , c. (C.) (pending before the Legislature as this bill),
46 and every three years thereafter, the department shall review the

1 latest scientific information concerning neonicotinoid pesticides,
2 and classify as a restricted use pesticide any neonicotinoid pesticide
3 that the department determines will cause harm to populations of
4 pollinating bees, birds, other pollinating wildlife, or aquatic
5 invertebrates. Any person may petition the department at any time
6 to classify a pesticide pursuant to this section.

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

19
20 3. a. No person shall sell, offer for sale, or use within the State
21 any neonicotinoid pesticide, unless such pesticide is registered and
22 will only be applied by a licensed pesticide applicator to, an
23 agricultural plant.

24 b. Notwithstanding the provisions of subsection a. of this
25 section to the contrary, the commissioner, in consultation with the
26 New Jersey Department of Agriculture, may, by written order,
27 permit a licensed pesticide applicator to use a pesticide that is
28 prohibited under subsection a. of this section if the commissioner
29 finds that:

30 (1) a valid environmental emergency exists;

31 (2) the pesticide would be effective in addressing the
32 environmental emergency; and

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

35 c. Any order issued by the commissioner pursuant to
36 subsection b. of this section shall include the basis for the
37 commissioner's determination and specify the approved time
38 period, geographic scope, and purpose of the permitted sale or use
39 of a pesticide. An order issued pursuant to this section shall be
40 valid for a period not to exceed one year.

41 d. The provisions of this section shall not apply to: (1) any pet
42 care, veterinary, personal care, or indoor pest control pesticide
43 product; (2) any pesticide-treated wood product; (3) the application
44 by a licensed pesticide applicator of a neonicotinoid pesticide
45 within seven feet of a building foundation perimeter to manage
46 structural pests provided that the neonicotinoid pesticide is not

- 1 applied on any plant; (4) any direct action taken by certified and
2 licensed responsible pesticide applicators or by persons working
3 under their direct supervision within the New Jersey Department of
4 Agriculture or its agents, or within the Department of
5 Environmental Protection or its agents, against any invasive plant or
6 pest; or (5) any application to protect agricultural seeds.
7
8 4. This act shall take effect immediately.