SENATE, No. 153

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator GERALD CARDINALE
District 39 (Bergen and Passaic)
Senator BOB SMITH
District 17 (Middlesex and Somerset)

Co-Sponsored by:
Senators Bateman, Oroho, Codey and Greenstein

SYNOPSIS

Allows cultivation of commercial shellfish species in certain coastal and inner harbor waters for research and educational purposes and repeals law that allows DEP to adopt certain regulations concerning such cultivation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning shellfish, supplementing Title 50 of the Revised Statutes, and repealing P.L.2015, c.237.

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

1. Notwithstanding any law, rule, or regulation to the contrary, the Department of Environmental Protection shall allow, for research or educational purposes or for ecological restoration, the cultivation of commercial shellfish species in coastal and inner harbor waters classified as contaminated.

2. P.L.2015, c.237 (C.50:2-18) is repealed.

3. This act shall take effect immediately.

STATEMENT

This bill would require the Department of Environmental Protection (DEP) to allow, for research or educational purposes or for ecological restoration, the cultivation, commonly known as "gardening," of commercial shellfish species in certain coastal and inner harbor waters.

This bill repeals a 2015 law that required the DEP to adopt regulations for cultivation of commercial species of shellfish in contaminated waters for research, educational, or restoration purposes, but which also gave the DEP unnecessarily wide discretion with regard to approving or rejecting these kinds of projects.

Oyster restoration is an important activity because oyster reefs can support the growth and recovery of an ecosystem by filtering pollution out of contaminated waters. The primary growers of shellfish in tainted or seasonally approved waters are environmental organizations, with the assistance of school groups, which are involved in legitimate scientific and educational efforts, including getting students involved as stewards of local waters. In those endeavors, a variety of commercial shellfish, including oysters, hard clams and blue mussels, are grown for study purposes. These shellfish are not fit for human consumption, with oysters measuring much smaller than market size, growing to about two inches compared to five-inch market sized oysters.