

[Fourth Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1016

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED FEBRUARY 24, 2020

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Downey**

SYNOPSIS

Restricts use of neonicotinoid pesticides.

CURRENT VERSION OF TEXT

As reported by the Assembly Science, Innovation and Technology
Committee on December 9, 2021, with amendments.

(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning the use of neonicotinoid pesticides ¹[and other
2 systemic insecticides]¹ and supplementing P.L.1971, c.176
3 (C.13:1F-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

10 “Agricultural plant” means any plant ¹, or part thereof,¹ grown
11 ¹[or] ¹,¹ maintained ¹, or otherwise produced¹ for commercial ¹[or
12 research]¹ purposes ¹,¹ including ¹[, but not limited to, food, feed,
13 fiber plants, trees, turf grass, flowers, shrubs, ornamentals, and
14 seedlings] any plant grown, maintained, or otherwise produced for
15 sale or trade, for research or experimental purposes, or for use in part
16 or their entirety in another location. “Agricultural plant” includes, but
17 is not limited to, grains, fruits, and vegetables; wood fiber or timber
18 products; flowering and foliage plants and trees; seedlings and
19 transplants; and turf grass produced for sod. “Agricultural plant” does
20 not include pasture or rangeland used for grazing¹ .

21 “Environmental emergency” means an occurrence of any pest
22 which presents a significant risk of harm or injury to the
23 environment, ¹or significant harm, injury, or loss to agricultural
24 crops,¹ including, but not limited to, any exotic or foreign pest
25 which may need preventative quarantine measures to avert or
26 prevent that risk, as determined by the ¹[department] Department of
27 Environmental Protection¹ in consultation with ¹the New Jersey
28 Department of Agriculture and¹ Rutgers, the State University ¹[,
29 the Department of Health, and the United States Environmental
30 Protection Agency]¹ .

31 “Neonicotinoid pesticide” means any pesticide containing a
32 chemical belonging to the neonicotinoid class of chemicals,
33 including, but not limited to, acetamiprid, clothianidin, dinotefuran,
34 ¹flonicamid,¹ imidacloprid, nitenpyram, nithiazine, thiacloprid,
35 thiamethoxam, or any other chemical designated by the department
36 as belonging to the neonicotinoid class of chemicals.

37 “Restricted use pesticide” means a pesticide that can be
38 purchased and used only by a certified and licensed pesticide
39 applicator, as determined by the department pursuant to the
40 “Pesticide Control Act of 1971,” P.L.1971, c.176 (C.13:1F-
41 1 et seq.), or persons working under the direct supervision of a
42 certified and licensed pesticide applicator.

43 ¹[“Systemic insecticide” means any active ingredient intended to
44 kill or otherwise harm insect or invertebrate wildlife and that

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted October 8, 2020.

²Assembly AAP committee amendments adopted January 7, 2021.

³Assembly floor amendments adopted June 3, 2021.

⁴Assembly AST committee amendments adopted December 9, 2021.

1 translocates into the tissue of plants, including, but not limited to,
2 any neonicotinoid pesticide. ¹

3

4 2. a. No later than ¹~~180 days~~ 12 months¹ after the effective
5 date of ⁴~~this act~~ P.L. , c. (C.) (pending before the
6 Legislature as this bill)⁴, the department shall adopt, pursuant to the
7 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
8 seq.), rules and regulations classifying neonicotinoid pesticides as
9 restricted use pesticides.

10 b. No later than ¹~~180 days~~ 12 months¹ after the effective
11 date of P.L. , c. (C.) (pending before the Legislature as this
12 bill), and every three years thereafter, the department shall review
13 the latest scientific information concerning ¹~~systemic insecticides~~
14 neonicotinoid pesticides¹ , and classify as a restricted use pesticide
15 any ¹~~systemic insecticide~~ neonicotinoid pesticide¹ that the
16 department determines will cause harm to populations of pollinating
17 bees, birds, other pollinating wildlife, or aquatic invertebrates. Any
18 person may petition the department at any time to classify a
19 pesticide pursuant to this section.

20 c. The provisions of this section shall not apply to ¹:

21 (1) ¹any pet care, veterinary, personal care, or indoor pest
22 control pesticide product¹;

23 (2) ⁴~~any pesticide-treated wood product~~ an application for the
24 commercial production of a preserved wood product⁴;

25 (3) the application by a licensed pesticide applicator of a
26 neonicotinoid pesticide within ²~~seven feet~~ one foot² of a building
27 foundation perimeter to manage structural pests provided that the
28 neonicotinoid pesticide is not applied on any plant;

29 (4) any direct action taken by certified and licensed responsible
30 pesticide applicators or by persons working under their direct
31 supervision within the New Jersey Department of Agriculture or its
32 agents, or within the Department of Environmental Protection or its
33 agents, against any invasive plant or pest; or

34 (5) any application to protect agricultural seeds¹ .

35 ²Notwithstanding the provisions of paragraph (3) of this
36 subsection to the contrary, the application by a licensed pesticide
37 applicator of a neonicotinoid pesticide adjacent to a building
38 foundation perimeter to manage structural pests may be extended by
39 an additional four feet, if such additional area is necessary to treat
40 the source of the infestation and the application is limited to a spot
41 targeted treatment of the source of the infestation only.

42 d. Nothing in this section shall be construed to impose liability
43 on any news media that accept or publish advertising for any
44 product or activity that would otherwise be subject to the provisions
45 of this section.²

46

47 3. a. ⁴~~No~~ Beginning October 31, 2023, no⁴ person shall sell,
48 offer for sale, or use within the State any neonicotinoid pesticide,

1 unless such pesticide is registered ¹[for use on,] ¹ and will only be
2 applied by a licensed pesticide applicator to ⁴[,] ⁴ an agricultural
3 plant.

4 b. Notwithstanding the provisions of subsection a. of this
5 section to the contrary, the commissioner, in consultation with the
6 ¹New Jersey¹ Department of Agriculture, may, by written order,
7 ³[permit a] authorize one or more ³ licensed pesticide ³[applicator]
8 applicators ³ to use a pesticide that is prohibited under subsection a.
9 of this section if the commissioner finds that:

10 (1) a valid environmental emergency exists;

11 (2) the pesticide would be effective in addressing the
12 environmental emergency; and

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

15 c. Any order issued by the commissioner pursuant to
16 subsection b. of this section shall include the basis for the
17 commissioner's determination and specify the approved time
18 period, geographic scope, and purpose of the permitted sale or use
19 of a pesticide. An order issued pursuant to this section shall be
20 valid for a period not to exceed one year.

21 d. The provisions of this section shall not apply to ¹:

22 (1) ¹any pet care, veterinary, personal care, or indoor pest control
23 pesticide product ¹;

24 (2) ⁴[any pesticide-treated wood product] an application for the
25 commercial production of a preserved wood product ⁴;

26 (3) the application by a licensed pesticide applicator of a
27 neonicotinoid pesticide within ²[seven feet] one foot ² of a building
28 foundation perimeter to manage structural pests provided that the
29 neonicotinoid pesticide is not applied on any plant;

30 (4) any direct action taken by certified and licensed responsible
31 pesticide applicators or by persons working under their direct
32 supervision within the New Jersey Department of Agriculture or its
33 agents, or within the Department of Environmental Protection or its
34 agents, against any invasive plant or pest; or

35 (5) any application to protect agricultural seeds ¹.

36 ²Notwithstanding the provisions of paragraph (3) of this
37 subsection to the contrary, the application by a licensed pesticide
38 applicator of a neonicotinoid pesticide adjacent to a building
39 foundation perimeter to manage structural pests may be extended by
40 an additional four feet, if such additional area is necessary to treat
41 the source of the infestation and the application is limited to a spot
42 targeted treatment of the source of the infestation only.

43 e. Nothing in this section shall be construed to impose liability
44 on any news media that accept or publish advertising for any
45 product or activity that would otherwise be subject to the provisions
46 of this section. ²

47

48 4. This act shall take effect immediately.