

P.L. 2021, CHAPTER 386, *approved January 18, 2022*
Senate Committee Substitute (*Fourth Reprint*) for
Senate, No. 1016

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:
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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, 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.

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 “Restricted use pesticide” means a pesticide that can be
2 purchased and used only by a certified and licensed pesticide
3 applicator, as determined by the department pursuant to the
4 “Pesticide Control Act of 1971,” P.L.1971, c.176 (C.13:1F-
5 1 et seq.), or persons working under the direct supervision of a
6 certified and licensed pesticide applicator.

7 ¹“Systemic insecticide” means any active ingredient intended to
8 kill or otherwise harm insect or invertebrate wildlife and that
9 translocates into the tissue of plants, including, but not limited to,
10 any neonicotinoid pesticide.¹

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

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

28 c. The provisions of this section shall not apply to ¹;

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

31 (2) ⁴[any pesticide-treated wood product] an application for the
32 commercial production of a preserved wood product⁴;

33 (3) the application by a licensed pesticide applicator of a
34 neonicotinoid pesticide within ²[seven feet] one foot² of a building
35 foundation perimeter to manage structural pests provided that the
36 neonicotinoid pesticide is not applied on any plant;

37 (4) any direct action taken by certified and licensed responsible
38 pesticide applicators or by persons working under their direct
39 supervision within the New Jersey Department of Agriculture or its
40 agents, or within the Department of Environmental Protection or its
41 agents, against any invasive plant or pest; or

42 (5) any application to protect agricultural seeds¹.

43 ²Notwithstanding the provisions of paragraph (3) of this
44 subsection to the contrary, the application by a licensed pesticide
45 applicator of a neonicotinoid pesticide adjacent to a building
46 foundation perimeter to manage structural pests may be extended by
47 an additional four feet, if such additional area is necessary to treat

1 the source of the infestation and the application is limited to a spot
2 targeted treatment of the source of the infestation only.
3 d. Nothing in this section shall be construed to impose liability
4 on any news media that accept or publish advertising for any
5 product or activity that would otherwise be subject to the provisions
6 of this section.²
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8 3. a. ⁴~~【No】~~ Beginning October 31, 2023, no⁴ person shall sell,
9 offer for sale, or use within the State any neonicotinoid pesticide,
10 unless such pesticide is registered ¹~~【for use on,】~~¹ and will only be
11 applied by a licensed pesticide applicator to ⁴~~【,】~~⁴ an agricultural
12 plant.
13 b. Notwithstanding the provisions of subsection a. of this
14 section to the contrary, the commissioner, in consultation with the
15 ¹~~New Jersey~~¹ Department of Agriculture, may, by written order,
16 ³~~【permit a】~~ authorize one or more³ licensed pesticide ³~~【applicator】~~
17 applicators³ to use a pesticide that is prohibited under subsection a.
18 of this section if the commissioner finds that:
19 (1) a valid environmental emergency exists;
20 (2) the pesticide would be effective in addressing the
21 environmental emergency; and
22 (3) no other, less harmful pesticide or pest management practice
23 would be effective in addressing the environmental emergency.
24 c. Any order issued by the commissioner pursuant to
25 subsection b. of this section shall include the basis for the
26 commissioner's determination and specify the approved time
27 period, geographic scope, and purpose of the permitted sale or use
28 of a pesticide. An order issued pursuant to this section shall be
29 valid for a period not to exceed one year.
30 d. The provisions of this section shall not apply to ¹;
31 (1)¹ any pet care, veterinary, personal care, or indoor pest control
32 pesticide product ¹;
33 (2) ⁴~~【any pesticide-treated wood product】~~ an application for the
34 commercial production of a preserved wood product⁴;
35 (3) the application by a licensed pesticide applicator of a
36 neonicotinoid pesticide within ²~~【seven feet】~~ one foot² of a building
37 foundation perimeter to manage structural pests provided that the
38 neonicotinoid pesticide is not applied on any plant;
39 (4) any direct action taken by certified and licensed responsible
40 pesticide applicators or by persons working under their direct
41 supervision within the New Jersey Department of Agriculture or its
42 agents, or within the Department of Environmental Protection or its
43 agents, against any invasive plant or pest; or
44 (5) any application to protect agricultural seeds¹ .
45 ²Notwithstanding the provisions of paragraph (3) of this
46 subsection to the contrary, the application by a licensed pesticide
47 applicator of a neonicotinoid pesticide adjacent to a building
48 foundation perimeter to manage structural pests may be extended by

1 an additional four feet, if such additional area is necessary to treat
2 the source of the infestation and the application is limited to a spot
3 targeted treatment of the source of the infestation only.

4 e. Nothing in this section shall be construed to impose liability
5 on any news media that accept or publish advertising for any
6 product or activity that would otherwise be subject to the provisions
7 of this section.²

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9 4. This act shall take effect immediately.

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Restricts use of neonicotinoid pesticides.