

New Jersey Green Industry Council Legislative & Regulatory Watch List

NJGIC New Bills of Concern

A. 4349 Stender (22) Neonicotinoid Ban Bill

Introduced May 2013: A new bill seeks to broadly ban the use and sale of all neonicotinoid pesticides. Specifically, the bill: “prohibits the use, sale, offer for sale or promotional purposes or distribution of any neonicotinoid pesticides.” As stated in the bill: “*Neonicotinoid pesticides are suspected of having adverse effects on pollinating insects and may contribute to the disappearance of bee populations, commonly referred to as colony collapse disorder (CCD).*”

Neonicotinoids are a class of neuro-active insecticides chemically related to nicotine. The neonicotinoids were developed in large part because they show reduced toxicity compared to previously used organophosphate and carbamate insecticides. Most neonicotinoids show much lower toxicity in mammals than insects, but some breakdown products are toxic. Neonicotinoids are the first new class of insecticides introduced in the last 50 years, and the neonicotinoid Imidacloprid is currently the most widely used insecticide in the world. Available neonicotinoid insecticides include: Acetamiprid, Clothianidin, Dinotefuran, Imidacloprid, Nitenpyram, Thiacloprid, Thiamethoxam. (Trade names associated with neonic insecticides used in turf and ornamental pest control include Marathon, Allectus, Discus, Safari, Tristar, Yielder, Flagship – to name a few). Other neonic insecticide trade names for agriculture crops include Assail (apples) and Gaucho (corn and soybeans).

Trenton Issues

Bills Introduced in the New Legislative Session 2012 – 2014

A.4048 DeAngelo (14)

Provides exemption for licensed pesticide applicators from certain training, examination, and fees required for fertilizer applicator certification.

Status in Trenton: 5/6/2013 Introduced, Referred to Assembly Environment and Solid Waste Committee

NJGIC Position: NJGIC supports the Fertilizer Law of 2010 that requires applicators to go through on line Fertilizer Certification Program created and administered by Rutgers Cooperative Extension. NJGIC spent over 4 years educating about industry practices and professionalism and successfully obtained changes to a far more impacting fertilizer law promoted by NJ Environmental Activists. NJGIC believes the existing law is reasonable and industry's conformance to the fertilizer certification requirements good indication of its professionalism.

A.2412/ S.1143 Safe Playing Fields Act (SPFA) (Re-introduced January 2012)

Seeks to ban the use of traditional lawn care pesticides. These bills seek to restrict use of lawn care pesticides at child care centers and certain schools (K-8 stipulated). If enacted, the act will allow for the use of NJ defined low impact pesticides (oils, corn gluten, etc.), but will ban the use of traditional pesticides unless an emergency determined by health officials and school boards. NJGIC and allied associations propose there is a better way—protection through IPM—and are working hard to communicate and educate about the value and role of science based IPM programs in protection of children and the environment!

Stakeholder meetings anticipated this summer with Grace Spencer, Chair of the Assembly Environment and Solid Waste Committee.

A.3654 Cryan (D20) & Deangelo (14)

Vegetation Management Response Act—Concerns vegetation management related to electric public utility

Status in Trenton: Introduced to Assembly 1/8/13, Referred to the Assembly Budget committee.

NJGIC Position: NJGIC opposes the language of this bill that loosely defines dangerous trees and gives broad reaching authority to utility companies to remove, prune or destroy trees.

A.3736 Handlin (D13), Rumana (D40) & A Casarande () Vegetation Management Practices Act—Requires electric public utilities to undertake vegetation management practices near power lines, telecommunications & utilities

Status in Trenton: Introduced to Assembly 2/8/13, referred to the Assembly Budget committee.

NJGIC Position: NJGIC opposes the language of this bill that loosely defines dangerous trees and gives broad reaching authority to utility companies to remove, prune or destroy trees.

A.3376 Dancer (R12)

Transfers New Jersey State Forestry Services and related entities to the Department of Agriculture.

Status in Trenton: Introduced to Assembly 10/15/12, referred to the Assembly Agriculture and Natural Resources Committee. 1/17/13 moved for discussion only, note voted on; sponsor working with interested parties.

NJGIC Position: NJGIC supports the desire of the arborist community for the placement of Forestry Services into the

Department of Agriculture.

S.218 Holzapfel (R10)/A.406 McGuckin (R10)
Provides state income tax credit for removal of lawns near Barnegat Bay

Status in Trenton: 1/10/2012 Introduced in the Senate, Referred to Senate Environment and Energy Committee; Introduced to Assembly 1/10/12, referred to Assembly Appropriations committee. (Back for the 2nd year)

NJGIC Position: NJGIC is opposed to the concept that lawns are a negative element in the environment.

S.893 Smith (D17); Bateman (D16)/A.2409 Spencer (D29)
Amends law concerning application, sale, and use of fertilizer to exempt organic fertilizer from certain requirements

Status in Trenton: 2/2/2012 Introduced, Referred to Assembly Environment and Solid Waste Committee (new this session)

NJGIC Position: NJGIC supports the need for language clarification in the 2010 Fertilizer Pre-emption Law. This bill clarifies that bone meals would be allowed to be used under the fertilizer law, but it does not address mixed fertilizers.

S.1143 Turner (D15) - Primary Sponsor
The "Safe Playing Fields Act" as amended restricts use of lawn care pesticides at child care centers and certain schools

Senate sponsors: Gordon (D38) as Primary Sponsor, Beach (D6) as Co-Sponsor, Cunningham(D31) (26 sponsors on Senate side).

Status: 1/23/12 introduced to Senate, referred to Senate Environment and Energy committee; 12/17/12 reported from Senate committee with amendments- 2nd Reading. (Roll Call yes's - Smith, Beck, Greenstein, Whelan and Batemen).

A.2412 Wagner (D38) - Primary Sponsor
The "Safe Playing Fields Act" as amended restricts use of lawn care pesticides at child care centers and certain schools

Status: 2/6/2012 Introduced, Referred to Assembly Environment and Solid Waste Committee (38 Sponsors Assembly Side). No movement on the Assembly side to date. (Back for the 2nd year)

NJGIC Position: NJGIC remains opposed to the bill because it disregards the sound science based integrated pest management programs, it nullifies the existing School IPM bill and it takes the first step in banning pesticides based on emotion, not science.

A.407 McGuckin (D10), Wolfe (D10)/S.1250 Holzapfel (D10)
"Barnegat Bay Protection Act"; establishes Barnegat Bay Protection Fund, dedicates portion of sales tax on lawn fertilizer, authorizes special license plates, and provides for donations

Status in Trenton: S.1250 - 1/30/2012 Introduced in the Senate, Referred to Senate Environment and Energy Committee (1 sponsor); A.407 - 1/10/2012 Introduced,

Referred to Assembly Environment and Solid Waste Committee (2 sponsors). (Back for 2nd year)

NJGIC Position: NJGIC is neutral on this bill.

A.1447 Gusciora (D15), Wagner (D38)/No senate version
The "Pesticide Use Reduction Recognition Act"

Status in Trenton: 1/10/2012 Introduced, Referred to Assembly Environment & Solid Waste Committee (2 sponsors); Last Session Bill Number: A.2114

(Back for the 9th year)

NJGIC Position: NJGIC continues to oppose this bill as the language regarding the negative messages about pesticides and because the language 'pesticide free' is misleading and contradictory. Alternative language proposed to the sponsor.

A.1745 Prieto (D32)
Permits landscape irrigation contractors to install backflow prevention devices under certain circumstances

Status in Trenton: 1/10/2012 Introduced, Referred to Assembly Regulated Professions Committee (1 sponsor)

(Back for 3rd year)

NJGIC Position: NJGIC is in support of this bill, defers to the NJ Irrigation Association for lead initiatives on this bill.

S.821 Smith (D17), Whelan (D2)-Primary Sponsor, Gordon (D38)-Co-Sponsor/A.1980 McKeon (D27), Barnes (D18)-Primary Sponsor, Diegnan(D18)-Co-Sponsor
Authorizes Ocean County Planning Board and municipal planning boards in Ocean County to take certain measures to control stormwater runoff and nonpoint source pollution in Barnegat Bay watershed

Status in Trenton: S.821 - 1/10/2012 Introduced in the Senate, Referred to Senate Environment and Energy Committee (3 sponsors); A.1980 - 1/10/2012 Introduced, Referred to Assembly Environment and Solid Waste Committee (3 sponsors). (Back for the 2nd year)

NJGIC Position: NJGIC supports the bill and sees it as an appropriate mechanism to address one of the more significant contributors to nutrient management issues.

S.755 Scutari (D22)/A.2791 McKeon (D27)-Primary Sponsor, Chivukula (D17)-Primary Sponsor
Requires use of uniform silver flags to mark certain pesticide applications

Status in Trenton: 1/10/2012 Introduced in the Senate, Referred to Senate Environment and Energy Committee 5/17/2012 Reported from Senate Committee, 2nd reading Senate vote: Smith (C) - Yes; Greenstein (V) - Yes; Bateman - Not Voting; Beck - Abstain; Sacco - Yes.

A.2791- 5/10/2012 Introduced, Referred to Assembly Environment & Solid Waste Committee (Back for the 7th year)

NJGIC Position: NJGIC continues to oppose this bill as this bill is seen as unnecessary. A unified flag color was established through the rule making process of NJDEP Pesticide Control Program regulations re-adoption in 2003.