

13:1F-9 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1F-9 et al. (Pesticide Control Act - amends; repeals Economic Poison Act)

LAWS 1981 CHAPTER 538

Bill No. A3055

Sponsor(s) Lesniak

Date Introduced Feb. 2, 1981

Committee: Assembly Agriculture & Environment

Senate

Amended during passage ~~Yes~~ No

Date of Passage: Assembly Jan. 4, 1982

Senate Jan. 11, 1982

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports: ~~Yes~~ No

Hearings ~~Yes~~ No

Fee schedule, as mentioned in §1k:
14 NJR 787(a), proposed as 7:30-1.1 et seq. Adopted as R.1982 d.435,
effective 12-6-82, 14 NJR 1385(a).

6/22/81

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CHAPTER 538 LAWS OF N. J. 1981
APPROVED 1-12-82

ASSEMBLY, No. 3055

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1981

By Assemblyman LESNIAK

Referred to Committee on Agriculture and Environment

AN ACT to amend and supplement the "Pesticide Control Act of 1971," approved June 1, 1971 (P. L. 1971, c. 176) and repealing the "Economic Poison Act of 1951," approved July 17, 1951 (P. L. 1951, c. 316).

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

1 1. Section 9 of P. L. 1971, c. 176 (C. 13:1F-9) is amended to read
2 as follows:

3 9. The department shall have power, in addition to those granted
4 by any other law, to

5 a. Conduct and supervise research programs for the purpose of
6 determining the effects and hazards of the use and application of
7 pesticides on man and his environment; and in furtherance of this
8 research effort the commissioner shall consider the School of
9 Agriculture of Rutgers, The State University, as a primary source
10 of assistance;

11 b. Conduct and supervise Statewide programs of pesticide
12 control education including the preparation and distribution of in-
13 formation relating to pesticide control;

14 c. Enter and inspect any building or place, except private
15 residences, for the purpose of investigating an actual or suspected
16 violation of law relating to pesticides and ascertaining compliance
17 or noncompliance with any rules, regulations or orders of the
18 department;

19 d. Receive or initiate complaints of violations of applicable laws,
20 rules, regulations and orders relating to pesticides and institute
21 legal proceedings for the prevention of such violations and for the
22 recovery of penalties, in accordance with law;

23 e. With the approval of the Governor, cooperate with, and receive
24 money from, the Federal Government, the State Government, or
25 any county or municipal government or from private sources for
26 the study and control of pesticides;

27 *f. Declare as a pest any form of plant or animal life or virus*
 28 *which is injurious to plants, man, domestic animals, articles, or sub-*
 29 *stances;*

30 *g. Determine whether pesticides are highly toxic to man;*

31 *h. Determine standards of coloring or discoloring for pesticides;*

32 *i. Subject pesticides to the requirements of 13:1F-11 (a) (6)*
 33 *of the Revised Statutes;*

34 *j. Cooperate with, and enter into agreement with, any other*
 35 *agency of this State, or the United States, and any other state or*
 36 *agency thereof for the purpose of carrying out the provisions of*
 37 *this act and securing uniformity of regulations, in order to avoid*
 38 *confusion endangering the public health, resulting from diverse*
 39 *requirements, particularly as to the labeling and coloring of pesti-*
 40 *cides, and to avoid increased costs due to the necessity complying*
 41 *with such diverse requirements in the manufacture and sale of such*
 42 *pesticides;*

43 *k. Have the power, in accordance with a fee schedule adopted as*
 44 *a rule or regulation in accordance with the "Administrative Pro-*
 45 *cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to establish*
 46 *and charge fees for any of the services it performs, which fees shall*
 47 *be annual or periodic as the department shall determine. The fees*
 48 *charged by the department pursuant to this section shall reflect the*
 49 *actual or projected expense incurred by the department in the per-*
 50 *formance of the service for which the fee is charged. All fees*
 51 *collected pursuant to this section shall be deposited in the Environ-*
 52 *mental Services Fund created pursuant to P. L. 1975, c. 232 and*
 53 *kept separate from other receipts deposited therein and appro-*
 54 *priated for the operation of the Pesticide Control Program in the*
 55 *Department of Environmental Protection.*

1 2. Section 14 of P. L. 1971, c. 176 (C. 13:1F-14) is amended to
 2 read as follows:

3 14. This act shall be liberally construed to effectuate the purpose
 4 and intent thereof.

5 *If any clause, sentence, paragraph, or part of this act shall for*
 6 *any reason be judged invalid by any court or competent jurisdic-*
 7 *tion, such judgment shall not affect, impair or invalidate the re-*
 8 *mainder thereof but shall be confined in its operation to the clause,*
 9 *sentence, paragraph, or part thereof directly involved in the con-*
 10 *troversy in which such judgment shall have been rendered.*

1 3. (New section) a. Every pesticide which is held, used, distrib-
 2 uted, sold, or offered for sale within this State or delivered for
 3 transportation or transported in intrastate commerce or between
 4 points within this State through any point outside this State shall

5 be registered annually with the department. All registration of
6 products shall expire on December 31, following date of issuance,
7 unless such registration shall be renewed annually, in which event
8 the expiration date shall be extended for each year of renewal
9 registration, or until otherwise terminated; provided, that within
10 the discretion of the commissioner, or his authorized representa-
11 tive, a change in the labeling or formulas, of a pesticide may be
12 made within the current period of registration, without requiring
13 a re-registration of the product.

14 b. Each registrant, before selling or offering for sale a pesticide
15 in this State, shall register each brand of pesticide with the depart-
16 ment upon forms furnished by the department and shall provide
17 the department with the information it may deem necessary;

18 c. The department may require the complete formula of any
19 pesticides;

20 d. If it does not appear to the department that the product is
21 such as to warrant the proposed claims for it or if the product and
22 its labeling and other material required to be submitted to not
23 comply with the provisions of this act or the rules and regulations
24 issued thereunder, the registrant shall be notified of the manner in
25 which the product, labeling, or other material required to be sub-
26 mitted fail to comply with the act or the rules and regulations
27 issued thereunder, so as to afford the registrant an opportunity to
28 make the necessary corrections. If, after receipt of such notice,
29 such corrections are not forthcoming, the department shall deny
30 registration;

31 e. The department is authorized and empowered to refuse to
32 register, or to cancel the registration of, any brand of pesticide as
33 herein provided, upon satisfactory proof that the registrant has
34 been guilty of fraudulent and deceptive practices in the evasion or
35 attempted evasions of the provisions of this act or any rules and
36 regulations promulgated thereunder; provided, that no registra-
37 tion shall be revoked or refused until the registrant shall have been
38 given a hearing by the department;

39 f. Nothing in this act shall be construed to restrict or prohibit
40 sales or exchanges of pesticides to each other by importers, manu-
41 facturers, or manipulators who mix pesticide materials for sale
42 or as preventing the free and unrestricted shipment of pesticides to
43 manufacturers or manipulators, who have registered their brands
44 as required by the provisions of this act.

1 4. (New section) a. Any pesticide that is distributed, sold, or
2 offered for sale within this State or delivered for transportation
3 or transported in intrastate commerce or between points within this

4 State through any point outside this State may be secured or im-
5 pounded by order of the department if it is in violation of any other
6 provision of this act.

7 b. Any person aggrieved by an order of the department to secure
8 or impound a pesticide who shall apply for a hearing within 15 days
9 after the issuance of the order, shall be granted a hearing in
10 accordance with law.

11 c. If upon hearing it shall appear that the pesticide was offered
12 or exposed for sale, or had in possession with intent to distribute
13 or sell, or was intended for distribution or sale in violation of any
14 provision of this act, it shall be confiscated and disposed of by
15 destruction or sale as the court or judge may direct, but no such
16 article shall be sold contrary to any provisions of this act. The
17 proceeds of any sale, less the legal costs and charges, shall be paid
18 into the Environmental Services Fund.

19 d. In case the article seized is of such character that when
20 properly marked or branded its sale is not prohibited by this act,
21 such article shall be delivered to the owner upon the payment of the
22 costs of the proceeding and the execution and delivery to the
23 department as obligee, of a good and sufficient bond to the effect
24 that such article shall not be sold or otherwise disposed of contrary
25 to the provisions of this act or the laws of any state, territory,
26 district of the United States, or of the United States.

1 5. "The Economic Poison Act of 1951" (P. L. 1951, c. 316; C.
2 4:8A-1 et seq.) is repealed.

1 6. This act shall take effect immediately.

STATEMENT

This bill amends and supplements the Pesticide Control Act of 1971 to incorporate certain key provisions of the Economic Poisons Act of 1951 as provisions of the "Pesticide Control Act of 1971" to provide uniform enforcement procedures and penalties for all pesticide offenses. It also authorizes the department to collect fees for the provision of pesticide services and repeals the "Economic Poison Act of 1951".

JANUARY 13, 1982

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A-3603, sponsored by Assemblyman Christopher Jackman (D-Hudson), amends the "Local Public Contracts Law" to permit a municipality to enter into a contract wherein energy conservation work and services would be performed for the municipality and would be paid for with a percentage of the savings in energy costs. The contract could run for a maximum of ten years.

A-3055, sponsored by Assemblyman Raymond Lesniak (D-Union), empowers the Department of Environmental Protection to designate dangerous pesticides and establish a fee schedule for the enforcement of the Pesticide Control Act.

A-3547, sponsored by Assemblyman Daniel Dalton (D-Camden), would shield real estate from levies or judgements for the payment of wage taxes and penalties. The intent of the bill is to block the City of Philadelphia from attaching or disposing of the property of New Jersey residents to satisfy judgements for unpaid Philadelphia city wage taxes. However, the legislation does not deny recognition of the wage tax judgements, simply one method of enforcement.

A-3378, sponsored by Assemblyman Martin Herman (D-Gloucester), appropriates \$350,000 from the Clean Waters Fund for a loan to Logan Township. The loan would be utilized for provision of potable water supplies to home where private wells have been contaminated by the discharge of hazardous substances.

A-3199, sponsored by Assemblyman Robert Hollenbeck (D-Bergen), establishes a "Drought Surcharge Fund", pursuant to Executive Order 104, financed from levies collected from excess water users and appropriates monies to the Drought Coordinator in the D.E.P. for water conservation educational and promotion programs, administrative costs to the D.E.P. and water purveyors. The bill also provides that customers and users who paid fines for excess water usage may apply for reimbursement in cases of hardship or improper levies.

A-3490, sponsored by Assemblyman Daniel Dalton (D-Camden), extends State sales tax exemptions available to the metals and glass recycling industry to the paper recycling industry.

NOTE: This list is not complete. Descriptions of signed legislation will be issued as soon as possible.