

ASSEMBLY, No. 397

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman HOLLY SCHEPISI

District 39 (Bergen and Passaic)

Co-Sponsored by:

**Assemblywoman Jasey, Assemblymen Caputo, Wolfe, McKeon,
Assemblywoman Sumter, Assemblyman Gusciora, Assemblywoman
Vainieri Huttel, Assemblymen Diegnan, Wimberly, McGuckin, Giblin,
Rumana, Johnson, Assemblywoman Caride, Assemblymen Russo, S.Kean
and Ciattarelli**

SYNOPSIS

The “Safe Playing Fields Act”; restricts use of lawn care pesticides at child care centers and certain schools, playgrounds, and recreational fields.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning the use of lawn care pesticides at child care
2 centers and certain schools, playgrounds and recreational fields,
3 and supplementing Title 13 of the Revised Statutes.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the "Safe
9 Playing Fields Act."

10

11 2. As used in this act:

12 "Charter school" means a school established pursuant to
13 P.L.1995, c.426 (C.18A:36A-1 et seq.).

14 "Child care center" means a child care center licensed pursuant
15 to the provisions of the "Child Care Center Licensing Act,"
16 P.L.1983, c.492 (C.30:5B-1 et seq.).

17 "Community association" means a condominium association, a
18 homeowners' association, a cooperative association, or any other
19 entity created to administer or manage the common elements and
20 facilities of a real property development that, directly or through an
21 authorized agent, enters into a contract for improvement of the real
22 property.

23 "Lawn care pesticide" means any pesticide labeled, designed or
24 intended for use on lawns, gardens, turf or ornamental plants.

25 "Low impact pesticide" means a low impact pesticide as defined
26 pursuant to section 3 of P.L.2002, c.117 (C.13:1F-21).

27 "Pesticide" means a pesticide as defined pursuant to section 3 of
28 P.L.2002, c.117 (C.13:1F-21) but shall not include a "low impact
29 pesticide."

30 "Playground" means a playground as defined pursuant to section
31 1 of P.L.1999, c.50 (C.52:27D-123.9).

32 "Recreational field" means an athletic playing field.

33 "School" means any public school or private school as defined in
34 N.J.S.18A:1-1.
35

36 3. a. No lawn care pesticide shall be applied on the grounds of
37 any child care center, including a playground or recreational field
38 located at the child care center, except that a lawn care pesticide
39 may be applied as an emergency response to eliminate an
40 immediate threat to human health. Such emergency shall be
41 determined by the chief executive or owner, as appropriate, of the
42 child care center.

43 b. No child enrolled at a child care center shall be permitted
44 access to a pesticide treated area for at least seven hours after the
45 application.

46 c. No later than one year after the effective date of this act, the
47 Commissioner of Environmental Protection, in consultation with the
48 Commissioner of Health and Senior Services, shall adopt rules and

1 regulations in accordance with the “Administrative Procedure Act,”
2 P.L.1968, c.410 (C.52:14B-1 et seq.), concerning pesticide
3 application, record keeping, and staff and parental notification
4 procedures at child care centers consistent with the goal of
5 mitigating potential health risks to young children by reducing or
6 eliminating the use of pesticides, and by first considering the use of
7 low impact pesticides.

8
9 4. No lawn care pesticide shall be applied on the grounds of
10 any school, including a playground or recreational field located at
11 the school, which enrolls students in kindergarten or in any grade
12 between grade one through eight, except that a lawn care pesticide
13 may be applied as an emergency response to eliminate an
14 immediate threat to human health. Such emergency shall be
15 determined by the superintendent of the school district, the board of
16 trustees of a charter school, or the principal or chief administrator
17 of a private school, as applicable, in consultation with the local
18 health officer, as appropriate.

19
20 5. No lawn care pesticide shall be applied on a playground,
21 except that a lawn care pesticide may be applied as an emergency
22 response to eliminate an immediate threat to human health. Such
23 emergency shall be determined by the municipal or county
24 governing body in consultation with the local health officer, as
25 appropriate, or by the Commissioner of Environmental Protection,
26 as applicable.

27 This section shall not apply to any playground on the grounds of
28 a community association.

29
30 6. This act shall take effect on the first day of the 13th month
31 following the date of enactment.

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34 STATEMENT

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36 This bill would be known as the “Safe Playing Fields Act,” and
37 would restrict the use of lawn care pesticides on the grounds of any
38 child care center and certain schools, playgrounds, and recreational
39 fields in the State.

40 The bill would prohibit pesticide use on the grounds of any child
41 care center, except as an emergency response to an immediate threat
42 to human health, and would restrict child access to pesticide treated
43 areas for at least seven hours after the application.

44 In addition, the bill would prohibit the use of lawn care
45 pesticides on the grounds of any school which enrolls students in
46 kindergarten or in any grade between grade one through eight,
47 except as an emergency response to an immediate threat to human
48 health, as determined by school officials, in consultation with the

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1 local health officer, as appropriate.

2 The bill would also prohibit the use of lawn care pesticides on
3 playgrounds, except as an emergency response to an immediate
4 threat to human health, as determined by the municipal or county
5 governing body in consultation with the local health officer, as
6 appropriate, or by the Commissioner of Environmental Protection,
7 as applicable. However, this provision would not apply to
8 playgrounds located on the grounds of a community association.

9 The bill would direct the Commissioner of Environmental
10 Protection, in consultation with the Commissioner of Health and
11 Senior Services, to adopt rules and regulations concerning pesticide
12 application, record keeping, and staff and parental notification
13 procedures at child care centers with the goal of mitigating potential
14 health risks to young children.

15 The bill defines a “lawn care pesticide” as any pesticide labeled,
16 designed, or intended for use on lawns, gardens, turf or ornamental
17 plantings, and the definition of “pesticide” excludes low impact
18 pesticides as defined pursuant to current law.

19 The bill would take effect on the first day of the 13th month
20 following the date of enactment of the bill into law.