

2016 -- S 2798

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LC005272  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL--REGULATION OF  
NEONICOTINOIDS

Introduced By: Senator Joshua Miller

Date Introduced: March 23, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 23-25 of the General Laws entitled "Pesticide Control" is hereby  
2 amended by adding thereto the following section:

3           **23-25-9.1. Regulation of neonicotinoids.** -- (a) The general assembly acknowledges that  
4 the agricultural and beekeeping industries in this state face economic harm relating to use of  
5 certain pesticide products containing neonicotinoids, as well as the further decimation and  
6 potential elimination of native pollinator species, primarily honey and bumble bees.

7           (b) Notwithstanding any provision of this chapter or any provision of the general or  
8 public laws or rule or regulation to the contrary, and subject to preemption by any federal laws,  
9 the director shall after due notice and an opportunity for a public hearing as provided in the  
10 "Administrative Procedures Act," chapter 35 of title 42, promulgate and adopt rules or regulations  
11 to prohibit and/or limit the application of pesticide products containing neonicotinoids, including,  
12 but not limited to, the application of pesticide products containing any of the following:

13           (1) Acetamiprid;

14           (2) Clothianidin;

15           (3) Dinotefuran;

16           (4) Imidacloprid;

17           (5) Nitenpyram;

18           (6) Nithizine; and

1           (7) Thiamethoxam.

2           (c) The director or the director's designee may, on a case-by-case basis grant a temporary  
3 exemption to allow an application of a pesticide product described in that subsection, if the  
4 director determines that, due to unusual circumstances, failure to allow such application will have  
5 serious adverse effects on plants, seeds, pollen, soil, water, animals, and insects in the state. An  
6 exemption under this subsection must be limited to the smallest amount of pesticide product and  
7 briefest application period practicable to prevent, substantially reduce, or mitigate the serious  
8 adverse effects on plants, seeds, pollen, soil, water, animals, and insects that would result from a  
9 failure to allow the pesticide product applications. The director or their designee shall impose any  
10 conditions on a pesticide product application authorized under this subsection that they deem  
11 reasonable for the protection of plants, seeds, pollen, soil, water, animals, and insects or for the  
12 prevention, reduction, or mitigation of the unusual circumstance that created the need for the  
13 pesticide product application.

14           (d) The prohibitions, rules and regulations promulgated by the director shall not apply to  
15 a pesticide product set forth in subsection (b) of this section sold for application in accordance  
16 with product manufacturer instructions pertaining to the following:

17           (1) On domestic animals that are not livestock as defined by §4-7-6(1);

18           (2) On bedding for said domestic animals;

19           (3) On fabric; or

20           (4) Within an enclosed indoor area.

21           (e) The hearing authorized in subsection (b) of this section shall take place prior to  
22 January 1, 2017, with the decision of the director to issue on or before March 1, 2017.

23           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require the director of the department of environmental management to  
2 promulgate and adopt rules and regulations pertaining to the use of pesticide products containing  
3 neonicotinoids and certain other chemicals with regard to any negative effects on agriculture and  
4 native pollinator species, primarily honey and bumble bees, as to whether their application should  
5 be prohibited or limited within the state.

6           This act would take effect upon passage.

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