Over 100 Years of Education, Conservation & Advocacy
Audubon Society of Rhode Island

March 26, 2021

Representative David Bennett
Chair, House Committee on Environment & Natural Resources
Rhode Island State House
Providence, RI 02908

Re: Audubon Society of Rhode Island Supports H5641 and supports amendments

Dear Chair Bennett and members of the House Committee on Environment,

The Audubon Society of Rhode Island and our 17,000 members thank Representatives Kislak, Bennett, Kazarian, Speakman, Cortvriend, Carson, Donovan for sponsoring this important legislation.

We support the bill as written – a ban on neonicotinoid pesticides. We also support the amendment that we have discussed with RIDEM in response to the letter they wrote last year on this bill. The amended language is attached along with the RIDEM/RIDOH letter provided to this committee last year when the neonicotinoid ban was considered.

The amended language would make neonicotinoid pesticides labeled for use outdoors "state limited use." Veterinary applications are exempted; as are products used to treat bedbugs, lice, and other indoor insect pests; and products used for controlling wood-destroying pests.

The revised bill specifies that neonicotinoids registered in the state and labeled for outdoor use would only be sold or distributed to a certified applicator and then used by a certified applicator or someone under their supervision. The language also prohibits application to a linden or basswood tree or to any plant in bloom except as part of academic research.

Audubon has worked on pollinator protection and pesticide management for many years. I co-led the state's Pollinator Working Group with Shannon Brawley from RINLA, I served on the Senate Special Legislative Commission to Study Pesticide Control Regulations and I organized a "Bee Rally" at the State House to showcase the importance of pollinators to our food and our lives. A brief summary of this work and the findings of these groups is included as an attachment to my testimony.

Although the Pollinator Working Group did not find that pollinator decline is specifically linked to the use of neonicotinoid pesticides, the Group did find that over use of pesticides by regular people – homeowners and renters – is part of the problem. The amendments to the bill would take neonicotinoid pesticides out of the hands of regular people, and this is a good thing.

12 Sanderson Road ~ Smithfield, RI 02917-2600 ~ Phone: (401) 949-5454 ~ Fax: (401) 949-5788
www.asri.org email: Audubon@asri.org

In the years since the Pollinator Working Group convened, we have continued to learn about neonicotinoid pesticides and their harmful effects on birds, wildlife and humans. These findings support action to regulate their use.

1) ***Neonicotinoid pesticides are extensively studied and known to negatively impact bees and other beneficial insects.*** In December 2019, the Massachusetts Department of Agriculture received a literature review from Industrial Economics, Inc. examining the effects of neonicotinoids on pollinators. A total of 70 documents were included in the review. 66 were journal articles, 4 were EPA risk assessment documents. The literature review concluded, "many studies and reviews have documented that neonicotinoid exposure can have deleterious effects on a wide range of endpoints relevant to pollinators and pollinator services."

2) ***Neonicotinoid pesticides have been shown to negatively impact birds, mammals and humans.*** Recent studies are showing impacts on mammals. Dr. Ann-Christine Duhaime, a pediatric neurosurgeon who serves on Audubon's Board of Directors has provided the following statement, "There is increasing scientific evidence that many chemicals used to control insects in agriculture are found to have side effects that can affect human health, including the developing nervous system. Neonics have been measured in human children, and there is evidence they may affect brain development. This is another compelling reason to support eliminating them from our Rhode Island ecosystem."

3) ***This bill is supported by action in other states and countries.*** CT, MA, VT and MD have all restricted the use of neonics recently. The European Union has banned the outdoor use of three neonicotinoids—clothianidin, imidacloprid, and thiamethoxam—to all field crops, because of growing evidence that the pesticides can harm domesticated honey bees and also wild pollinators. A summary of state, national and international actions on neonicotinoids is included at the end of my testimony.

4) ***Lands throughout Rhode Island are successfully managed without the use of neonicotinoid pesticides.*** Audubon manages our 9,500 acres of protected land for pollinators, birds and other wildlife. We do not use neonicotinoid pesticides, we do not engage in aerial spraying of any pesticides and only use pesticides for spot treatment of invasive species and for treatment of problems like carpenter ant infestations in the structures on our protected properties. Last summer, a Brown student intern working for Audubon researched areas of the state managed similarly to Audubon. We identified about 99,885 acres managed with limited pesticide application including land managed by The Nature Conservancy and DEM's Forestry Division. The state of Rhode Island covers a total of about 775,900 acres. Thus, the pesticide-light/pollinator-safe lands ascertained by this study represent almost 1/8 or about 13% of the land cover of the state. Of particular note is the City of Providence's Parks Department who use pesticide management strategies similar to Audubon. They do not use neonicotinoid pesticides and significantly limit the application of any pesticides or chemical fertilizers.

5) ***Big retailers are phasing out neonicotinoids.*** Wal Mart and True Value are phasing out neonics. Home Depot pledged in 2016 to phase out neonic treated plants. According to recent coverage, they have followed through, " Through partnerships with our suppliers, we've made tremendous progress on removing neonics from our plants and they are now 98 percent free of

neonicotinoids. However, there are states that require some plants be treated with neonics. The Home Depot is one of the few retailers that labels plants that are treated with neonics so customers can choose for themselves."

6) ***Local cities and towns concerned about neonics can not take action so the State needs to show leadership.*** Rhode Island law gives DEM sole authority to regulate pesticides (RIGL 23-25-35), "Jurisdiction in all matters pertaining to the registration, sale, distribution, transportation, storage, use and application, disposal of pesticides and devices, and licensing and certification of applicators is, by this chapter, vested exclusively in the director, and all acts and parts of acts inconsistent with this chapter are expressly repealed."

Thank you for considering these comments.

Sincerely,

Meg Kerr
Senior Director of Policy

12 Sanderson Road ~ Smithfield, RI 02917-2600 ~ Phone: (401) 949-5454 ~ Fax: (401) 949-5788
www.asri.org email: Audubon@asri.org

Summary of Neonicotinoid Regulation
January 2020

International[1]

European Union (April 2018) expanded the ban on neonicotinoids, based on their impact on pollinators. Ban is for three neonicotinoids—clothianidin, imidacloprid, and thiamethoxam—to all field crops, because of growing evidence that the pesticides can harm domesticated honey bees and also wild pollinators. Sixteen countries, including the United Kingdom, France, and Germany, voted in favor. Romania, Denmark, and three other countries opposed the ban, and 13 countries abstained. The ban is for outdoor use. Neonicotinoids may still be used in permanent greenhouses.

Canada[2] [3] In 2016 Health Canada proposed to phase out all agricultural uses of imidacloprid because the insecticides were accumulating in ponds, creeks and other water bodies near agricultural land. In 2018 Health Canada made the same phase-out recommendation for thiamethoxam and clothianidin. Health Canada announced that it will be cancelling some uses of these pesticides, and changing other conditions of use such as restricting the timing of application. Health Canada was supposed to make a final decision on banning neonics in December, 2019. The decision has been pushed back to January, 2020.

US National Government

EPA[4]

- Implemented a policy in 2017 that protects bees from agricultural pesticide spray and dust applications while the bees are under contract to provide pollination services. The policy also recommends that states and tribes develop pollinator protection plans and best management practices.
- Prohibited the use of certain neonicotinoid pesticides when bees are present.
- Expediting the re-evaluation of the neonicotinoid family of pesticides, as well as other pesticides, using the harmonized risk assessment process.
- Temporarily halted the approval of new outdoor neonicotinoid pesticide uses until new bee data is submitted and pollinator risk assessments are complete.
- Expediting the review of new Varroa mite control products.

In May, 2019 Environmental Protection Agency published in the Federal Register[5] that the registrations for 12 neonicotinoid-based products used as pesticides in agriculture would be canceled.[6] As stated in

[1] https://www.sciencemag.org/news/2018/04/european-union-expands-ban-three-neonicotinoid-pesticides
https://www.nationalgeographic.com/news/2018/04/neonics-neonicotinoids-banned-european-union-protect-bees-pollinators-environment-science-spd/
[2] https://www.producer.com/2019/11/ottawa-delays-neonic-decision-to-january/
[3] https://www.canada.ca/en/health-canada/news/2019/04/some-cancellations-and-new-restrictions-to-protect-bees-and-other-pollinators.html
[4] https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators
[5] https://www.federalregister.gov/documents/2019/05/20/2019-10447/product-cancellation-order-for-certain-pesticide-registrations
[6] https://www.the-scientist.com/news-opinion/epa-cancels-registrations-for-12-neonicotinoid-pesticides-65956

the notice the pesticide cancelation was, "voluntarily requested by the registrants and accepted by the Agency".

EPA's schedule for review of neonicotinoid pesticides is open and reviews are underway.[7] Interim decisions should be issued in early 2020.

US Fish & Wildlife banned the use of neonics in national wildlife refuges in 2014. The ban was overturned by the Trump administration in 2018.[8]

States[9]

Connecticut (2016) – **An Act Concerning Pollinator Health** classified neonicotinoids labeled for use on plants as restricted use pesticides[10]. No application allowed on linden or basswood trees. Requires DEP to, "develop best practices for minimizing the airborne liberation of neonicotinoid insecticide dust from treated seeds and mitigating the effects of such dust on pollinators."

Maryland (2016)[11] – Pollinator Protection Act of 2016. Synopsis: Prohibiting a person from selling, on or after January 1, 2018, a neonicotinoid pesticide unless the person also sells a restricted use pesticide; prohibiting a person from using a neonicotinoid pesticide on or after January 1, 2018, unless the person is a certified applicator or a person working under specified circumstances; requiring the Department of Agriculture to incorporate pollinator habitat expansion and enhancement practices into the State's Managed Pollinator Protection Plan; requiring a specified report; etc.

Vermont (2019)[12] – An act relating to the regulation of neonicotinoid pesticides. Classifies the outdoor use of neonics as restricted use pesticides. Pet care products, personal care products, indoor pest control products, and treated article seeds are exempt.

Minnesota (2014)[13] – defines neonics as, "pollinator lethal insecticide" and prohibits plants treated with neonics as being labeled or advertised as beneficial to pollinators.

Massachusetts (2021) - The Massachusetts Pesticide Board Subcommittee voted to make all neonics labeld for outdoor consumer uses – such as uses on lawn and turf, trees and shrubs, ornamentals, and vegetable and flower gardens – restricted use. This means that only certified applicators may purchase and use those neonics.

[7] https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides
[8] https://www.sierraclub.org/sierra/trump-s-interior-department-reverses-ban-pesticides-wildlife-refuges
[9] NECEL fact sheet: https://www.ncel.net/wp-content/uploads/2019/07/Neonicotinoids-Fact-Sheet-1.pdf
[10] https://www.cga.ct.gov/2016/ACT/pa/2016PA-00017-R00SB-00231-PA.htm
[11] http://mgaleg.maryland.gov/mgawebsite/legislation/details/sb0198?ys=2016rs
[12] https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT035/ACT035%20As%20Enacted.pdf
[13]https://www.revisor.mn.gov/bills/text.php?number=HF2798&version=latest&session=ls88&session_year=2014&session_number=0

Audubon's recent work on pollinators and pesticides:

In 2016, legislation to ban neonicotinoid pesticides was introduced in the RI Legislature because of concern about impacts on pollinators and beneficial insects. The bill was controversial – as it is today – and stakeholders agreed that they would work together to explore risks to pollinators posed by neonicotinoid pesticides and other stressors in a Pollinator Working Group (established by House resolution 2016 H 8265, and 2017 H 6256). The Pollinator Working Group was charged with studying pollinator health and habitats and reporting to the DEM Director and the House of Representatives. Audubon co-chaired the Pollinator Working Group with the RI Nursery and Landscape Association and we issued two reports on February 15, 2017 and February 15, 2018. Information on the Pollinator Working Group and copies of the reports can be found on DEM's website (http://www.dem.ri.gov/programs/agriculture/pollinator-working-group.php).

In 2018, the Senate convened a Special Legislative Commission to Study Pesticide Control Regulations. Audubon served on this Commission. The final report was submitted to the Senate on June 22, 2018. (http://www.rilin.state.ri.us/Reports/PESTICIDE%20COMN%20Rept%20FINAL.pdf)

Key findings from this work include:

1. The state's infrastructure for pesticide management is under resourced. The Rhode Island Department of Environmental Management's pesticide program is in the Department of Agriculture. Only four staff are assigned to the pesticide program. Each year, the division registers approximately 9,000 pesticide products and provides testing and recertification for 2,100 applicators and dealers. It coordinates with the University of Rhode Island's pesticide training program. In addition, the division must enforce the safe use of pesticides. The division annually collects $1.5 million in pesticide registration fees and $71,000 in licensing and certification fees. This money is not invested in pesticide control and management, but goes to the state's general fund.
2. There are significant knowledge gaps in our understanding of pollinator health and habitats. We do not fully understand the sub-lethal effects of pesticides and the synergistic effect of pesticides applied in the same area for different reasons (for example, mosquito control followed by chemical applications on lawn and garden).
3. In an urban/suburban state like Rhode Island, we believe that application of pesticides by untrained homeowners is as much of a problem, perhaps more of a problem, than application by licensed professionals.
4. More work can be done to promote pollinator habitat and best management practices.

February 27, 2020

The Honorable David A. Bennett
Chairman
House Committee on Environmental and Natural Resources
State House
82 Smith St.
Providence, RI 02903

RE: H 7425 – An Act Relating to Health & Safety – Pesticide Control

Dear Chairman Bennett,

We are writing regarding H 7425, legislation which would prohibit the use of neonicotinoids which are a class of insecticides.

The prevailing theory among scientists in the US Environmental Protection Agency (EPA), US Department of Agriculture (USDA), and the global scientific and regulatory community is that the general declining health of honeybees is related to complex interactions among multiple stressors including, but not limited to, pesticide exposure.

Chemicals, collectively known as neonicotinoids, are a group of insecticides used on a wide variety of crops, turf, ornamentals, pets (for flea and tick prevention), and other residential and commercial indoor and outdoor uses. The chemical is sprayed directly onto crops or seeds are treated with the pesticide, which is absorbed throughout the entire plant. When pollinators, earthworms, birds, and other small animals are exposed, it can lead to toxic effects that reduce their survival.

With that said, we are concerned that the current bill does not include an exemption for veterinary uses, which has implications for treatment of vector-borne diseases (infections transmitted by bites), including Lyme disease. When used by veterinarians to treat vector-borne diseases, its use does not impact pollinators.

Given the beneficial impacts of specific, targeted use of some neonicotinoids, we would welcome an opportunity to work with the sponsor of this legislation to restrict, rather than ban, the use of neonicotinoids so that only Department of Environmental Management-certified applicators could use them. Imposing this restriction would ensure that neonicotinoid products cannot be purchased for plants through retail venues by the general public but would allow

agricultural and other commercial uses under controlled conditions. This approach would be consistent with an ongoing effort by EPA (See: https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators).

Thank you for the opportunity to comment on this legislation. We would be happy to discuss this matter with you at greater length. Please contact Ken Ayers, Chief of the DEM Division of Agriculture, at Ken.Ayers@dem.ri.gov or Neil Hytinen, RIDOH Legislative Liaison, at Neil.Hytinen@RIDOH.ri.gov.

Sincerely,

Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health

Janet L. Coit
Director
Rhode Island Department of Environmental Management

CC: The Honorable Members of the House Committee on Environmental & Natural Resources
The Honorable Joseph M. McNamara
Danica Iacoi, Chief Legal Counsel to the Speaker of the House

A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

It is enacted by the General Assembly as follows:

SECTION 1. Section 23-25-4 of the General Laws in Chapter 23-25 entitled "Pesticide Control" is hereby amended to read as follows:

23-25-4. Definitions.

As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, or desiccant.

(2) "Adulterated" applies to any pesticide if its strength or purity falls below the professed standards of quality as expressed on its labeling under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

(3) "Agricultural commodity" means any plant, or part of plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "Animal" means all vertebrate and invertebrate species, including, but not limited to, man and other mammals, birds, fish, and shellfish.

(5) "Beneficial insects" means those insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

(6) "Board" means the pesticide advisory board as provided for under § 23-25.2-3.

(7) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant with or without causing abscission.

(8) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

(9) "Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than humans and other than bacteria, virus, or other micro-organism on or in living humans or other living animals) but not including equipment used for the application of pesticides when sold separately from it.

(10) "Director" means the director of environmental management.

(11) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver pesticides in this state.

(12) "Environment" includes water, air, land, and all plants and humans and other living animals in it, and the interrelationships which exist among these.

(13) "EPA" means the United States Environmental Protection Agency.

(14) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq., and other legislation supplementary to it and amendatory of it.

(15) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those in or on living humans or other living animals, and except those in or on processed food, beverages, or pharmaceuticals.

(16) "Highly toxic pesticide" means any pesticide determined to be a highly toxic pesticide under the authority of § 25(c)(2) of FIFRA, 7 U.S.C. § 136w(c)(2), or by the director under § 23-

25-9(a)(2).

(17) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceedings pursuant to § 23-25-8 would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the secretary of the interior under 16 U.S.C. § 1531 et seq.

(18) "Inert ingredient" means an ingredient which is not an active ingredient.

(19) "Ingredient statement" means:

(i) Statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide; and

(ii) When the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(20) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six (6) legged, usually winged forms, as for example, moths, beetles, bugs, bees, flies, and their immature stages, and to other allied classes of anthropods whose members are wingless and usually have more than six (6) legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

(21) "Integrated Pest Management (IPM)" refers to a method of pest control that uses a systems approach to reduce pest damage to tolerable levels through a variety of techniques, including natural predators and parasites, genetically resistant hosts, environmental modifications and, when necessary and appropriate, chemical pesticides. IPM strategies rely upon nonchemical defenses first and chemical pesticides second.

(22) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

(23) "Labeling" means the label and all other written, printed, or graphic matter:

(i) Accompanying the pesticide or device at any time; or

(ii) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of EPA, the United States Departments of Agriculture and Interior, and the department of health and human services; state experiment stations; state agricultural colleges; and other federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(24) "Land" means all land and water areas, including airspace, all plants, animals, structures, buildings, contrivances, and machinery appurtenant to it or situated on it, fixed or mobile, including any used for transportation.

(25) "Nematode" means invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

(26) "Neonicotinoids" means any of a class of systemic water soluble insecticides related to nicotine that affect the central nervous system of insects by selectively binding to the postsynaptic nicotinic receptors of insects thereby causing paralysis and death. Neonicotinoids include, but are not limited to:

(i) Imidacloprid;

(ii) Acetamiprid;

(iii) Clothianidin;

(iv) Nitenpyram;

(v) Nithiazine;

(vi) Thiacloprid;

(vii) Thiamethoxam; and

(viii) Dinotefuran.

~~(26)~~(27) "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for altering the behavior of plants or the produce of these but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term "plant regulator" is not required to include any of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, are not for pest destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

~~(27)~~(28) "Permit" means a written certificate, issued by the director, authorizing the purchase, possession, and/or use of certain pesticides or pesticide uses defined in subdivisions (34) and (35) of this section.

~~(28)~~(29) "Person" means any individual, partnership, association, fiduciary, corporation, governmental entity, or any organized group of persons whether incorporated or not.

~~(29)~~(30) "Pest" means:

(i) Any insect, rodent, nematode, fungus, or weed; and

(ii) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living humans or other living animals) which the director declares to be a pest under § 23-25-9(a)(1).

~~(30)~~(31) "Pesticide" means:

(i) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

(ii) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

~~(31)~~(32) "Pesticide dealer" means any person who distributes within the state any pesticide product classified for restricted use by EPA or limited use by the director.

~~(32)~~(33)(i) "Private applicator" means any person who uses or supervises the use of any pesticide for purposes of producing any agricultural commodity on land owned or rented by him or her or his or her employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on land of another person.

(ii) "Certified private applicator" means any private applicator who is certified under § 23-25-14 as authorized to purchase, acquire, apply, or supervise the application of any pesticide classified for restricted use by EPA or limited use by the director.

(iii) "Commercial applicator" means any person (whether or not that person is a private applicator with respect to some uses), including employees of any federal, state, county or municipal agency, department, office, division, section, bureau, board, or commission, who applies or supervises the application of any pesticide for any purpose or on any property other than as provided by the definition of "private applicator".

(iv) "Certified commercial applicator" means any commercial applicator who is certified under § 23-25-13 as authorized to purchase, acquire, apply, or supervise the application of a pesticide classified for restricted use by EPA or limited use by the director.

(v) "Licensed commercial applicator" means any commercial applicator who is licensed under § 23-25-12 as authorized to use or supervise the use of any pesticide not classified for restricted use by EPA or limited use by the director on land not owned or rented by him or her.

~~(33)~~(34) "Protect health and the environment" means protection against any unreasonable adverse effects on the environment.

(34)(35) "Registrant" means a person who has registered any pesticide pursuant to the provisions of this chapter.

~~(35)~~(36) "Restricted use pesticide" means a pesticide or pesticide use that is classified for restricted use by the administrator of EPA, or under § 23-25-6(h).

~~(36)~~(37) "State limited use pesticide" means any pesticide or pesticide use which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions to prevent unreasonable adverse effects on the environment including humans, land, beneficial insects, animals, crops, and wildlife, other than pests. Neonicotinoids, as that term is defined in § 23-25-4(26), or any pesticide, insecticide, herbicide, rodenticide, bactericide, fungicide, or larvicide which contains a neonicotinoid ingredient, shall be considered state limited use pesticides for purposes of this Chapter and any rules and regulations promulgated pursuant to this chapter, except as outlined in § 23-25-40.

~~(37)~~(38) "Under the direct supervision" means that on-site supervision of any pesticide application by an appropriately certified or licensed applicator who is responsible for the application and is capable of dealing with emergency situations which might occur.

~~(38)~~(39) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

~~(39)~~(40) "Weed" means any plant which grows where not wanted.

~~(40)~~(41) "Wildlife" means all living things that are neither human nor, as defined in this chapter, pests, including but not limited to mammals, birds, and aquatic life.

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

23-25-40. Neonicotinoids ~~prohibited~~ restricted.

~~Notwithstanding any law to the contrary, no person shall purchase, acquire, possess, use, apply or permit the use of any neonicotinoid, or pesticide, insecticide, herbicide, rodenticide, bactericide, fungicide or larvicide which contains a neonicotinoid ingredient, or any seeds coated with neonicotinoids, or product containing neonicotinoid on any land for any purpose within this state.~~

(a) This section does not apply to:

(1) Pet or veterinary care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms when applied to or administered to companion animals, livestock, or captive wild animals, regardless of whether the application or administration occurs indoors or outdoors;

(2) Personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs;

(3) Indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and

(4) Products used for controlling wood-destroying pests.

(b) Any neonicotinoids registered in the state and labelled as approved for outdoor use are hereby immediately classified as state limited use. Such neonicotinoids shall not be:

(1) Sold or distributed to any person other than a certified applicator;

(2) Used or applied by any person other than a certified applicator or any person working under the direct supervision of a certified applicator;

(3) Applied, except in the course of academic research, to any linden or basswood tree; or

(4) Applied, except in the course of academic research, to any plant when such plant bears blossoms.

(d) Nothing in this section shall prohibit the director from further restricting or regulating neonicotinoids pursuant to § 23-25-9.

SECTION 3. This act shall take effect ~~upon passage~~ on January 1, 2022.