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DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 264

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 12, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1202. Definitions.

(a) For purposes of this chapter:

(24) "Outdoor application" means any application which takes place beyond a building foundation perimeter as established by rules and regulations of the Department.

(25) "Neonicotinoid pesticide" means any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine, thiacloprid, thiamethoxam, or any other chemical designated by the Department pursuant to § 1203 of this title as belonging to the neonicotinoid class of chemicals.

§ 1203. Regulation; duties and powers of Department.

(h)(1) On or before January 1, 2024, the Department shall promulgate rules and regulations classifying neonicotinoid pesticides designed or intended for use in outdoor applications as state restricted use pesticides and establishing a list of chemicals that belong to the neonicotinoid class of chemicals to be included under this classification. However, the rules and regulations shall not become effective until July 1, 2024.

(2) The rules and regulations of the Department must ban the retail sale of neonicotinoid pesticides to the public for outdoor application.

(3) The rules and regulations of the Department must exempt the following:

a. Any pet care, veterinary, personal care, or indoor pest control pesticide product.

b. Any pesticide-treated wood product.

c. Any application to protect agricultural seeds.

22 d. Applicators, including farmers, certified by the Department.

23 (4) On or before October 1, 2022, the Department shall develop and publish best practices for minimizing the  
24 airborne liberation of neonicotinoid pesticides and related dust, including from treated agricultural seeds, and mitigating the  
25 effects on pollinators. Such best practices must be made available to farmers, any person who owns, operates, or manages a  
26 farm or an agricultural facility, and the general public, by, for example, posting on the Department's website, and may  
27 include:

28 a. Methods to minimize airborne liberation of neonicotinoid pesticides and related dust.

29 b. Guidance on the positioning of the vacuum system discharge of seed planter equipment to direct  
30 discharge toward the soil.

31 c. Time frames for the mowing of flowering vegetation located next to crop fields.

32 d. Identification of weather conditions that minimize drift of neonicotinoid pesticides and related dust.

33 e. Suggestions for the use of seed lubricants to effectively minimize drift of neonicotinoid pesticides and  
34 related dust.

#### SYNOPSIS

This Act requires the Delaware Department of Agriculture to promulgate rules and regulations, that will not become effective until July 1, 2024, classifying neonicotinoid pesticides designed or intended for use in outdoor applications as state restricted use pesticides, creating a list of chemicals that belong to the neonicotinoid class of chemicals, and banning the retail sale of neonicotinoid pesticides to the public for outdoor applications. This Act also requires the Department to develop and publish best practices for minimizing the airborne liberation of neonicotinoid pesticides and related dust by October 1, 2022.

Author: Senator Sokola