

SENATE, No. 4161

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 25, 2025

Sponsored by:

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Prohibits release of certain substances into atmosphere for purposes of geoengineering.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the release of certain substances into the
2 atmosphere and supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. As used in this act:

8 "Albedo" means the fraction of incident radiation, such as light
9 and heat, reflected by a natural cloud or by materials injected into
10 the atmosphere.

11 "Chaff" means aluminum-coated silica glass fibers typically
12 dispersed in bundles in the atmosphere.

13 "Cloud seeding" means a weather modification technique for
14 changing the amount, type, or distribution of precipitation from
15 clouds by artificially creating cloud condensation nuclei or ice
16 nuclei in the atmosphere.

17 "Commissioner" means the Commissioner of Environmental
18 Protection.

19 "Department" means the Department of Environmental
20 Protection.

21 "Geoengineering" means the intentional manipulation of the
22 environment, through use of a chemical or other physical agent,
23 which is effectuated with the intention of bringing about changes to
24 Earth's atmospheric or surface conditions, including weather
25 modification, aerosol injection, chaff dispersal, or cloud seeding
26 activities.

27 "Hazardous" means that a chemical or other physical agent is, by
28 its nature, harmful to living organisms, to property, or to another
29 interest of value.

30 "Weather modification" means the changing, controlling, or
31 interfering with; or the attempt to change, control, or interfere with;
32 the natural development of cloud forms, precipitation, barometric
33 pressure, temperature, albedo, conductivity, or other characteristics
34 of the atmosphere.

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36 2. a. No person, including any private or public entity, shall
37 release a hazardous chemical or other hazardous physical agent into
38 the atmosphere for the purposes of geoengineering.

39 b. If a federal agency or branch of the armed forces carries out a
40 project that involves the release of a hazardous chemical or other
41 hazardous physical agent into the atmosphere for the purposes of
42 geoengineering, the commissioner shall issue a notice to an
43 appropriate federal representative indicating that the activity cannot
44 be lawfully carried out in or over the State of New Jersey.

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46 3. a. The department shall establish a program to encourage
47 members of the public to monitor, measure, document, and report
48 incidents that may constitute geoengineering activities in violation
49 of the provisions of this act. The program shall, at a minimum,

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1 allow members of the public to submit photographs, audio
2 recordings, video recordings, precipitation analysis reports, images
3 created through microscopy, spectrometry reports, and other
4 appropriate forms of evidence to the department.

5 b. The department shall promptly investigate any credible
6 reports received pursuant to this section, which indicate that a
7 violation of the provisions of this act have occurred.

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9 4. a. A person who violates the provisions of this act shall be
10 liable to a civil administrative penalty of up to \$10,000 for the first
11 offense, up to \$25,000 for the second offense, and up to \$50,000 for
12 the third and each subsequent offense. Each day in which a
13 violation occurs shall be considered a separate offense. The
14 department shall enforce the provisions of this act and the rules and
15 regulations adopted pursuant thereto.

16 b. No civil administrative penalty pursuant to subsection a. of
17 this section shall be imposed until after the suspected violator has
18 been notified of the alleged violation by certified mail or personal
19 service. The notice shall include:

20 (1) a reference to the section of the statute, regulation, order, or
21 condition alleged to have been violated;

22 (2) a concise statement of the facts alleged to constitute a
23 violation;

24 (3) a statement of the amount of the civil administrative penalty
25 that may be imposed; and

26 (4) a statement of the right of the person to a hearing.

27 c. (1) A person served with notice pursuant to subsection c. of
28 this section shall have 20 days after the receipt of the notice to
29 request in writing a hearing before the department. The department
30 may retain the matter for a hearing before the committee or transmit
31 the matter to the Office of Administrative Law in accordance with
32 the provisions of the "Administrative Procedure Act", P.L.1968,
33 c.410 (C.52:14B-1 et seq.).

34 (2) If the hearing is conducted by the department, the hearing
35 shall be conducted in accordance with relevant provisions of the
36 "Administrative Procedure Act", P.L.1968, c.410 (C.52:14B-1 et
37 seq.) and regulations adopted pursuant thereto. After the hearing, if
38 the department finds that a violation has occurred, the department
39 may issue a final order assessing the amount of the civil
40 administrative penalty set forth in the notice, if applicable.

41 (3) If no hearing is requested, then the notice shall become a
42 final order 20 days after the date upon which the notice was served.
43 Payment of the civil administrative penalty shall be due, and
44 duration of the suspension, if any, shall begin, on the date when a
45 final order is issued or the notice becomes a final order.

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47 5. No later than 18 months after the date of enactment of this
48 act, the department shall adopt rules and regulations, pursuant to the

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1 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
2 seq.), to implement the provisions of this act.

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4 6. This act shall take effect immediately.

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STATEMENT

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9 This bill would prohibit persons, including private and public
10 entities, from releasing a hazardous chemical or other hazardous
11 physical agent into the atmosphere for the purposes of
12 geoengineering. A person who violates this prohibition would be
13 liable to a civil administrative penalty of up to \$10,000 for a first
14 offense, under the bill.

15 As defined in the bill: "geoengineering" means the intentional
16 manipulation of the environment, through use of a chemical or other
17 physical agent, which is effectuated with the intention of bringing
18 about changes to Earth's atmospheric or surface conditions,
19 including weather modification, aerosol injection, chaff dispersal,
20 or cloud seeding activities; and "hazardous" means that a chemical
21 or other physical agent is naturally harmful to living organisms, to
22 property, or to another interest of value.

23 The bill would also require the Commissioner of Environmental
24 Protection to send a notice to an appropriate representative of the
25 federal government, if a federal entity engages in the
26 geoengineering activities prohibited by the bill in or over New
27 Jersey. In addition, the bill would require the Department of
28 Environmental Protection (DEP) to establish a program to
29 encourage members of the public to monitor and report
30 geoengineering activities that violate the bill's provisions. Finally,
31 the bill would require the DEP to enforce the bill's provisions, and
32 to adopt rules and regulations to implement the bill's provisions no
33 later than 18 months after the bill's enactment.