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SUBCHAPTER 9. PESTICIDE EXPOSURE MANAGEMENT

**7:30-9.1 (Reserved)**

**7:30-9.2 Mosquito/fly control permits**

(a) No person shall apply any pesticide on a community or area wide basis for the control of larval, pupal or adult forms of mosquitoes (in the Family Culicidae) and/or flies (in the Order Diptera) without having obtained a mosquito/fly control permit from the Department prior to the date of application.

- (b) A mosquito/fly permit shall not be required:
1. If applications are for agricultural purposes; or
  2. For programs which are conducted by or controlled by a county mosquito control agency pursuant to the provisions of the Mosquito Extermination statutes (N.J.S.A. 26:9-1 et seq.)

(c) Applications for a mosquito/fly Control permit shall be made on forms supplied by the Department at least 30 days prior to the intended pesticide application date.

1. All information requested on the form shall be submitted. This information includes but is not limited to the following:
  - i. The person/organization requesting treatment;
  - ii. The applicator or applicator business performing the application;
  - iii. The type of application;
  - iv. The location of the area to be treated;
  - v. The target site;
  - vi. The target pests;
  - vii. The method for determining when to spray;
  - viii. The pesticides proposed for use;
  - ix. A sketch or map of the treatment area;
  - x. The application equipment; and
  - xi. The equipment calibration and maintenance.
2. The Department may request additional information which it deems necessary to evaluate the proposed application.
3. The Department may require the submission of a report addressing the effectiveness of the treatment and any environmental effects as a condition of permit approval. The person performing the pesticide application shall submit such information to the Department at the time and in the format as specified on the approved mosquito/fly control permit.
4. The permittee shall notify the Department in writing of any proposed changes to the approved mosquito/fly control permit and receive written Department approval for such changes prior to a pesticide application being made under the changed conditions.

(d) Failure to submit any requested information or falsification of any information may result in the denial or revocation of a mosquito/fly control permit.

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- (e) A \$5.00 fee may be charged for each permit.
- (f) Any person administering a community or area wide mosquito control program shall contact and coordinate the program with any county mosquito control agency which exists in the county in which the application is to be made.
- (g) All conditions for approval specified in a mosquito/fly control permit shall be fulfilled.
- (h) The Department shall approve or deny a mosquito/fly control permit application within 30 days after the Department receives all information deemed necessary to evaluate the application.
- (i) The Department may not require fulfillment of the formal permit application provisions of (c) above if the Department determines there is an emergency situation that warrants expedited review. (See the definition of "emergency" in N.J.A.C. 7:30-1.2.) This provision shall be exercised only if the information necessary to adequately review the permit is on file with the Department. Notification of an emergency situation shall be made to the Pesticide Control Program by calling (609) 984-6507.
- (j) A mosquito/fly control permit shall not be transferable.

**7:30-9.3 Aquatic pesticide permits**

- (a) No person shall apply an aquatic pesticide on any aquatic site without having obtained an aquatic pesticide permit for an aquatic application from the Department prior to the intended date of application.
- (b) An aquatic pesticide permit shall not be required if the application is to aquatic sites and:
  - 1. The application is made to waters which are not used as a source of potable water, have no outlet and which are bounded by land wholly owned or rented, and controlled, by one person;
  - 2. The application is made to waters which are not used as a source of potable water and is made for the control of mosquitoes or flies and the application procedure requires approval pursuant to the provisions of N.J.A.C. 7:30-9.2(a) or the application is made by the appropriate lead agency operating under the provisions of the Mosquito Extermination statutes (N.J.S.A. 26:9-1 et seq.);
  - 3. The application is made to retention basins, drainage ditches with no water flow, and similar sites that are designed to collect and retain water for percolation back into the ground, which are not used as a source of potable water, and where there is no normal outflow into natural waterways; or
  - 4. The application is made with an aquatic pesticide which qualifies as a "minimum risk" pesticide exempted from regulation by N.J.A.C. 7:30-2.1(m)5.

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(c) Applications for an aquatic pesticide permit shall be made on forms supplied by the Department at least 30 days prior to the intended application date.

1. Any information requested on the form shall be accurate at the time of submission.
2. The Department may request any pertinent additional information which it deems necessary to evaluate the application.
3. The Department may require the submission of a report addressing the effectiveness of the treatment and any environmental effects as a condition for approval. The person performing the application shall submit such information to the Department at the time and in the format as specified on the approved aquatic pesticide permit.
4. The applicant shall notify the Department in writing of any proposed changes in the approved aquatic pesticide permit and receive written approval for such changes prior to making any applications.

(d) Failure to submit any requested information or the falsification of any information may result in the denial or revocation of an aquatic pesticide permit.

(e) All conditions for approval specified in an aquatic pesticide permit shall be fulfilled.

(f) A \$75.00 fee may be charged for each aquatic pesticide permit.

(g) The Department may waive the formal requirements of (c) above if the Department determines there is an emergency situation that warrants expedited review (see the definition of "emergency" in N.J.A.C. (7:30-1.2)). This provision shall be exercised only if the information necessary to adequately review the permit is on file with the Department.

(h) The Department will respond to any application for an aquatic pesticide permit within 30 days after the Department receives all the information deemed necessary to evaluate the application.

(i) An aquatic pesticide permit shall not be transferable.

(j) All written records required by the aquatic permit must conform to the requirements listed on the "Record of Actual Treatment" (Form BPO-03) or the "Record of Actual Treatment Sodium Hypochlorite Solution" (Form BPO-06).

(k) An aquatic pesticide permit shall be valid for the time period specified in the permit at the time of approval.

#### **7:30-9.4 Aquatic notification**

(a) No application of an aquatic pesticide which requires an aquatic pesticide permit shall be made without the following notification provisions being carried out by the applicator or applicator business:

1. The applicator or applicator business shall provide the contracting party (person or organization requesting treatment) with pretreatment notification. This notification shall be provided in writing and prior to any treatments being made.

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- i. The contracting party shall be given sufficient time to review and take appropriate precautions, if needed, to minimize potential exposure to the treated water by any person, pet, domestic animal or irrigated plant life.
2. The pretreatment notification shall consist of the following:
  - i. A copy of the approved aquatic pesticide permit;
  - ii. Label instructions of the aquatic pesticide(s) to be used relating to resident or general public safety, including safety precautions and any water use restrictions. A copy of the label of the pesticide(s) approved for use, with the appropriate sections highlighted, may be used for this requirement;
  - iii. The telephone number of the National Pesticide Telecommunications Network for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
  - iv. The telephone number of the Pesticide Control Program and the statement: "This number for pesticide regulation information, pesticide complaints and health referrals";
  - v. A statement that a copy of the label(s) for the pesticide(s) approved for use will be provided, if requested by the contracting party, prior to any treatment using that pesticide;
  - vi. A statement that the exact date of each treatment will be provided prior to the treatment, if requested by the contracting party.
- (b) If the contracting party requests a copy of the label(s) for the pesticide(s) approved for use, or the exact date(s) of treatment, such information shall be provided by the commercial applicator or applicator business.
  1. The contracting party shall be given sufficient time to review and take appropriate precautions, if needed, to minimize potential exposure to the treated water by any person, pet, domestic animal or irrigated plant life.
- (c) Prior to the start of any treatment, signs shall be posted on the shoreline of all treated aquatic sites as specified below. The commercial applicator or applicator business shall be responsible for the posting and removal of the signs, except that the applicator or applicator business may delegate to the contracting party, in writing, the removal of the signs.
  1. Signs shall be printed on a minimum of 90 weight paper and shall contain the statement "PESTICIDE TREATED WATER", in letters a minimum of one inch in size; and
  2. Signs shall contain date of application, time application is completed, and all water use restrictions pertaining to the pesticide(s) used on that date. For each water use restriction, the length of time that water use is restricted is also required. If there is a total prohibition of a specific water use, that prohibition shall also be stated;
  3. Signs shall contain the name and telephone number of the commercial applicator or applicator business to contact for additional information; and
  4. For (c)2 and 3 above, the printing shall be legible to a person standing in front of the sign at a distance of three feet;
  5. The signs shall remain legible and posted until the greatest time restriction for the use of the treated water has passed, but for a minimum of at least three days.
    - i. If there are water use restrictions on the sign that have no time limit, such as the

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total prohibition of a specific water use, the signs shall remain legible and posted for 30 days;

6. The signs shall be posted in such a manner that they are legible from the principle and common access points to the treated aquatic site.
  - i. For golf course aquatic sites, the signs may be posted at the starting tees instead of at each treated aquatic site. If posted at the starting tees, each hole that has a treated aquatic site shall be listed. This posting may be incorporated into the signs used for the notification of turf and ornamental applications as per N.J.A.C. 7:30-9.13(c); and
  - ii. In a treated area without a defined shoreline, a sign shall be posted at the principal access point(s) to the area, instead of along the shoreline.

(d) If specific users of the treated water will be impacted by a water use restriction related to potable water use, irrigation, or stock watering, those users shall be provided by the applicator or applicator business, the same pretreatment notification specified in (a) and (b) that shall pertain to the contracting party. These specific users shall include, but not be limited to, those located downstream of the aquatic site treated, under circumstances where movement of the pesticide downstream may be reasonably foreseen.

1. A written record of those notified as per this subsection shall be kept on file by the applicator or applicator business and shall be immediately available upon request by the Department.

(e) Notification of community or area wide applications, as specified in N.J.A.C. 7:30-9.10, is required for treatments of aquatic sites greater than an aggregate of three surface acres.

(f) The applicator or applicator business is exempt from the provisions of (a) above with regard to the contracting party if the contracting party signs a waiver which states that the written information is declined:

1. Such waiver shall be worded as follows: "I have been told that I have the right to receive notification information as outlined in N.J.A.C. 7:30-9.4(a). I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing." Signed \_\_\_\_\_
2. The waiver may be withdrawn by the contracting party at any time by notifying the applicator or applicator business, in writing.
3. Waivers shall be kept by the applicator or applicator business on file for at least three years.
4. Waivers shall be provided to the Department immediately upon request.
5. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to appropriate persons pursuant to N.J.A.C. 7:30-10.2. Waivers are for the contracting party and his property only. This waiver in no way affects notification information which shall be given to others or posted to notify others.

**7:30-9.5 Storage of pesticides**

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(a) Restricted use pesticides and containers contaminated by residues of restricted use pesticides shall, when unattended, be stored in a secure, locked enclosure. Such an enclosure shall bear prominently displayed warnings in English and any other languages as may be designated by the Department to reflect the ethnic majority of the local geographical area in which the storage area is located.

(b) Any person required to be a licensed pesticide applicator or dealer who stores any pesticide shall maintain a list of the pesticides stored or likely to be stored during the license year and shall annually send a copy of this list with an explanatory cover letter to the local fire company along with a written description or diagram depicting the exact location of the area on the property where the pesticide is stored; provided that the provisions of this subsection shall not apply to individuals who are storing pesticides for their personal use on their private residence or persons who are storing pesticides for less than seven calendar days at loading or application sites in connection with their use.

1. The list shall be updated and sent to the local fire company each year by May 1.
2. The list shall be kept at a location which is separate from the actual storage site.
3. The cover letter shall explain that this list has been sent pursuant to N.J.A.C. 7:30-9.5(b).
4. A copy of each year's cover letter shall be kept on file for three years and shall be provided immediately upon request by the Department.

(c) No person shall store restricted use pesticides in a building wholly or partly occupied as a private residence unless:

1. The actual storage area, such as a garage, is a structurally separate room from those commonly used as living areas of the residence, and the ventilation in the storage area is sufficient to keep fumes and/or any potential fumes from intruding into the living areas of the residence; and
2. In the case of multi-family private residences, the actual storage area is a structurally separate room from those rooms commonly used as living areas, and the location of the storage area does not present a significant risk of harm, injury or damage to residents in the building and the ventilation in the storage area is sufficient to keep fumes and/or any potential fumes from intruding into the living areas of the residence.

(d) No person shall store restricted use pesticides in a building wholly or partly occupied as a commercial establishment or institution unless:

1. The actual storage area is a structurally separate room from those occupied as work areas and the ventilation in the storage area is sufficient to keep fumes and/or any potential fumes from intruding into the occupied areas of the building; and
2. In the case of multi-unit commercial establishments or institutions, the actual storage area is a structurally separate room from those rooms commonly used as living or work areas, and the location of the storage area does not present a significant risk of harm, injury or damage to occupants or employees in the building and the ventilation in the storage area is sufficient to keep fumes and/or any potential fumes from intruding into the occupied areas of the building.

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(e) The storage of any restricted use fumigant as delineated in N.J.A.C. 7:30-2.10(a)2 in a multi-family private residence, or in multi-unit commercial establishments or institutions is considered to present a significant risk of harm, injury or damage and is prohibited.

1. This prohibition shall not apply to the storage of Ethylene Oxide as long as it is stored in accordance with OSHA requirements pursuant to 29 CFR Part 1910.

(f) No person shall store or transport pesticides in any service vehicle unless:

1. The service vehicle has posted thereon prominently displayed signs on at least the two sides of the vehicle, which clearly identifies the vehicle as containing pesticides or which clearly identifies the vehicle as being a pest control service vehicle. Lettering on signs shall be a minimum of three inches high;
  - i. The service vehicle shall also conform to the applicable advertising requirements of N.J.A.C. 7:30-2.12 and, if it is an applicator business, the requirements of N.J.A.C. 7:30-7.1(e);
2. All containers smaller than five gallons are securely stored in such a manner as to be resistant to being spilled or directly bumped by other containers;
3. Glass containers of any size are securely padded to avoid breakage;
4. Five gallon or larger containers are tightly braced or secured to a structural part of the service vehicle, such as to the side, to prevent or reduce movement resulting from a sudden stop;
5. The service vehicle is provided with a supply of an absorbent material, sufficient to soak up or contain any liquid spills which may occur, and a shovel and/or broom and pan used exclusively to help contain the spills;
6. The service vehicle is equipped with at least an accessible and working 10-B:C dry chemical, or carbon dioxide fire extinguisher;
7. The pesticides are stored in a compartment separate from the driver, such as the bed of a pick-up truck or a van equipped with a partition. Such a partition may consist of a grillwork or heavy screening designed to limit movement of the pesticide containers;
8. All pesticide containers or any pesticide contained in portable application equipment, such as hand-held pressurized tank sprayers, shall be locked or secured to the vehicle in such a manner as to prevent removal by unauthorized persons, when such container or application equipment is located at an open, accessible area on the service vehicle when unattended; and
9. The hatch or door on any service vehicle tank containing a pesticide is equipped with a cover that will prevent spillage when the vehicle is in motion.

(g) No person who stores any pesticide shall store or display a pesticide next to food, or animal feed products; provided, that the provisions of this subsection shall not apply to individuals who are storing pesticides for their personal use on their private residence.

(h) Any person who stores or displays any pesticide shall have equipment, used exclusively for pesticide spill response and clean up, immediately available, including, but not limited to:

1. Enough absorbent material to absorb any liquid spill which could potentially occur;

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and

2. A shovel or a dust pan and brush, which shall be used exclusively to help contain the spill and pick up any absorbent material or dry pesticide, or a recovery or containment system capable of containing any spill which could potentially occur.

(i) The provisions of (h) above shall not apply to individuals who are storing pesticides for their personal use on their private residence.

#### **7:30-9.6 Containers and container labeling**

(a) No person shall store, transport, or otherwise possess any pesticide if part or all of its registered label or labeling is missing, obscured, altered, unreadable or otherwise damaged beyond use or recognition. The provisions of this subsection shall not apply to pesticides in service containers, pesticides contained in application equipment, pesticides in the process of manufacturing or formulating, or pesticides in the possession of public officials of this state or federal government while engaged in the performance of their official duties in administering state or federal pesticide law.

(b) No person shall store, transport, or otherwise possess any pesticide in any service container unless the service container has attached to it a copy of the registered label that represents the pesticide contained therein or a readable label with the following information:

1. Brand or trade name;
2. EPA registration number;
3. Name and percentage of active ingredient(s) in the service container; and
4. Appropriate signal word; that is, Danger-Poison, Warning, or Caution.

(c) No person shall place or keep any pesticide in any container commonly used for food, drink, or household products.

(d) No person shall hold, use, distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State or between points within this State through any point outside this State any pesticide or pesticide container, unless he or she complies with the requirements of 40 C.F.R. Parts 9, 156 and 165 (otherwise known as the Federal Container and Containment regulations).

#### **7:30-9.7 Disposal**

(a) No person shall dispose of pesticides, pesticide containers, or equipment that holds or has held a pesticide in a manner that causes harm or injury to persons or the environment, or a significant risk of harm, injury or damage.

(b) No person shall dispose of pesticides, pesticide containers, or equipment that holds or has held a pesticide in a manner that is in violation of State or Federal law.

#### **7:30-9.8 Emergency containment and disposal of pesticides**

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(a) Whenever any fire, explosion, casualty, or any other event or circumstance, results in upset or spillage of any pesticide, or results in the placement or location of any pesticide such that it might move, flow, seep or in any way emanate from such location into the air, into any adjacent property, into any drain or sewer, into any source of potable water, into any ground water or into any of the waters of this State, then such pesticide shall immediately be contained, covered, or removed or such other steps taken in accordance with this section, as may be necessary to stop or prevent any such movement, flow seepage or emanation.

(b) The responsibility for the measures required by this section shall be jointly and severally upon:

1. The owner of the premises upon which such pesticide is located;
2. The person responsible for the presence of the pesticide on the premises; and
3. Any person responsible for the upset, spill, or circumstances resulting in such placement or location of the pesticide described in this paragraph.

(c) Each of the persons designated in (b)1, 2 and 3 above shall be responsible for the immediate notification of the Department as delineated in N.J.A.C. 7:30-9.17, upon the occurrence of a pesticide incident as described in this section.

(d) No person shall discard, burn, bury, or in any other way dispose of any pesticide involved in an event such as one described in (a) above, except in accordance with a written plan for such disposal submitted within 10 work days of the event and approved in writing by the Department, Pesticide Control Program.

(e) The written plan shall satisfy the Department:

1. That such disposal will not result in the contamination of the air or of any surface waters, ground waters, potable waters or any other waters of this State;
2. That such disposal will not result in the incineration or placement in any landfill, dump or refuse disposal area of any pesticide, except as may be approved in writing or in regulation by the Department; and
3. That such disposal will not endanger the public health, safety or welfare or present a significant risk of such danger.

#### **7:30-9.9 Pesticide application and safety equipment**

(a) No person shall apply a pesticide unless the application equipment is properly maintained.

(b) No person shall apply a pesticide unless the application equipment is properly calibrated.

(c) All persons having employees who use, apply, transport, or otherwise handle any pesticide shall make available to such employees any necessary or appropriate safety equipment in good working order and shall train such employees in the proper operation of such safety equipment.

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(d) No person required to be registered as a pesticide applicator or commercial pesticide operator under N.J.A.C. 7:30-5, 6, or 8, or as a handler under N.J.A.C. 7:30-12, shall mix or load any restricted use 2,4-D compound unless the appropriate safety equipment is worn, a minimum of which shall be chemical resistant gloves and eye protection, to consist of either goggles or a face shield.

**7:30-9.10 Notification: community or area wide applications**

(a) The provisions of this section shall apply only to the following types of pesticide application, if performed on aggregate areas of more than three acres:

1. All aerial applications, unless performed for the production of an agricultural commodity, or for mosquito larviciding;
2. Right-of-way type applications. These applications include, but are not limited to pesticide applications performed along roadways, powerlines, railroads, and pipelines;
3. All mosquito adulticiding applications; or
4. All aquatic applications, except mosquito larviciding applications.

(b) No person shall apply any pesticide on a community or area wide basis unless prior notification of the proposed application has been given to persons residing in the vicinity of the proposed target site.

1. The notification shall be made through advertisement in at least two newspapers having the greatest likelihood of informing the public within the area of application.
  - i. The notice shall be placed in the legal advertisement section of one paper;
  - ii. The notice shall also be placed in a second paper, in a prominent area other than the legal advertisement section, namely a "display ad"; and
  - iii. The newspaper notification shall be given a maximum of 30 days and a minimum of seven days prior to the intended application date.
2. In addition to (b)1 above, if the technology and administrative ability is in place, notification shall be made by posting the information required in (b)3i through x below to the applicator's or applicator employer's web site.
  - i. The specific time(s) and location(s) to be sprayed shall be posted as soon as possible prior to the application.
3. The notification required in (b)1 above shall contain at least:
  - i. The intended application date(s) or a range of dates within which an application may be made;
  - ii. To the extent known at the time of the advertisement, the street name or names of streets at the nearest intersection (when this is beneficial in identifying the location) and the name of the municipality and county where the application is taking place;
  - iii. The name, address, and license number of the applicator business or the responsible pesticide applicator associated with the application;
  - iv. The brand name and active ingredients of the pesticide(s) to be used;
  - v. Application equipment to be used;
  - vi. The name, address and phone number of a person who may be contacted and is responsible for supplying updated information on the advertised pesticide applications to those persons requesting it;

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- vii. The New Jersey Poison Information and Education System telephone number for emergencies and the National Pesticide Information Center telephone number for routine health inquiries, and to obtain information about signs and symptoms of pesticide exposure;
  - viii. The telephone number of the Pesticide Control Program and the statement: "This number for pesticide regulation information, pesticide complaints, and health referrals;"
  - ix. A statement that says: "Upon request, the pesticide applicator or applicator business shall provide a resident with notification at least 12 hours prior to the application, except for Quarantine and Disease Vector Control only, when conditions necessitate pesticide applications sooner than that time".
  - x. If the system is in place, the telephone number of the automated telephone system required in (b)4 below, along with the statement: "This phone number is for updated information on time and location of application(s)"; and
  - xi. If the system is in place, the address of the applicator's or applicator employer's web site.
4. In addition to (b)1 and 2 above, if the technology is in place, the times and locations for pesticide application and a telephone number to call for further information shall be made available on an automated telephone system.
- i. The information is posted at least 12 hours prior to the pesticide application, except for Quarantine and Disease Vector Control only, when conditions necessitate pesticide applications sooner than that time, in which case the information shall be posted as soon as possible prior to the application; and
  - ii. The information shall be updated when changes take place.
5. Upon the request by a person residing in the vicinity of the proposed target site, to a person designated pursuant to (b)3vi above, such designated person shall provide, at a minimum, the following information at least 12 hours prior to the application, except for Quarantine and Disease Vector Control only, when conditions necessitate pesticide applications sooner than that time, or if a reasonable attempt to provide notice is unsuccessful, an attempt to notify such person, by telephone, shall be made immediately prior to the application.
- i. The actual time and date of application;
  - ii. The actual pesticide to be applied, including the EPA registration number; and
  - iii. Any precautionary statement(s) on the product's federal registered label relating to homeowner or general public safety.
6. The person designated pursuant to (b)3vi above shall maintain a record of all telephone calls, attempted and completed, with persons requesting information referred to in (b)5 above, and a file of related correspondence. Such records and files shall be made available to the Department upon request. The minimum information required to be kept on the call record shall include:
- i. Name and phone number of the person contacted; and
  - ii. The time and date of the call.
7. The person making the application subject to the notification requirements shall keep a record of the newspapers in which the advertisement was placed and the dates published. This information shall be made available to the Department upon request.

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8. Neither quarantine nor vector disease control includes nuisance pest control.

(c) A waiver from the provisions of this section may be granted by the Department for the purpose of controlling emergency outbreaks of pests.

(d) The provisions of this section need not be followed when using "minimum risk" pesticides exempted from regulation by N.J.A.C. 7:30-2.1(m)5.

(e) In addition to the community and area wide notification requirements above, the following additional notification shall be made by the pesticide applicator for publicly sponsored/funded pesticide applications, including , but not limited to, mosquito adulticiding and gypsy moth control. These are applications made in the public interest which tend to target residential areas and adjacent areas such as parks and recreation sites.

1. Notification shall be made by mailing or delivering a packet of information annually, to the municipality to be sprayed.
  - i. Notification shall be mailed or delivered to the municipality's designated responsible official, such as the mayor, town administrator or town clerk.
  - ii. Except as delineated in (e)3 below, the information packet shall be mailed or delivered once per year between March 1 and March 30 prior to the intended application date.
2. Such information packets shall contain all of the items in (b)3 above, in addition to the following information:
  - i. A Department approved fact sheet for each pesticide proposed for use;
  - ii. A Department approved Question and Answer sheet for the program and each pesticide proposed for use, which explains what the agency does and how, where to get more information, what the populace may do to help mitigate the pest, general symptoms of exposure, and recommendations of how to avoid exposure to the pesticide; and
  - iii. The following statement: "Municipalities are encouraged to share this information with all residents in their community."
3. If the pesticide application can not be anticipated in the time frame required by (e)1 above, the information packet shall be delivered to the municipality prior to the pesticide application and as soon as possible after the decision is made to spray.
4. The information packets required in this subsection are intended for municipalities that are not the contracting party or that will only receive community or areawide notification.

#### **7:30-9.11 Notification to beekeepers**

(a) No person shall make an outdoor application of a pesticide product **that** has information on its label or labeling noting that the product is toxic to bees unless such person first notifies, at least 24 hours prior to the date of application, each **beekeeper** who:

1. Desires notification;
2. **Owns, operates, or maintains a beeyard or beehive inhabited by honeybees or native bees** located within three miles of the target site; and

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3. Has been registered with the Department by March 1 of the calendar year in which the applications subject to the notification requirements of this section will occur.
- (b) The notification shall include the following information:
1. The intended date of the application;
  2. The approximate time of the application;
  3. The brand name and active ingredient of the pesticide to be applied;
  4. The location of the land on which the application is to be made; and
  5. The name and certified pesticide applicator license number of the responsible pesticide applicator.
- (c) Notification may be made to the **beekeeper** by telephone; in person; by regular or certified mail with sufficient lead time to arrive the day prior to the application; by facsimile (fax) or email. If no application is made on the intended date, then the individual shall be notified again according to (h) below.
- (d) The Department may alter the interval of time needed for notification if any person can demonstrate to the satisfaction of the Department that an emergency situation has occurred and an immediate application is required to control a sudden and unexpected pest infestation, but time does not reasonably allow the giving of an advance 24-hour notice; provided, however, that notice of emergency applications shall be given to the **beekeeper** as soon as reasonably possible before or after the application.
- (e) If the **beekeeper** does not choose to move, cover, or otherwise protect the **beeyard or beehive inhabited by honeybees or native bees**, the application may be made without delay; provided that such application complies with the pesticide labeling and any provisions of the Act or any rules and regulations promulgated thereunder.
- (f) The provisions of this section shall not apply to any person using a pesticide on an aggregate area less than three acres; provided that the application is not made with hydraulic spraying equipment capable of operating at a rate greater than 300 psi and 10 gpm, airblast sprayers, or aerial equipment.
- (g) Any person required to notify **beekeepers** pursuant to the provisions of (a) above shall not be responsible for notifying any **beekeeper** who cannot be notified because:
1. The Department failed to provide information deemed necessary by the Department for such notification, provided that the person required to notify the **beekeeper** requested the information from the Department at least two weeks prior to the application date; or
  2. The person required to notify the **beekeeper** was unable to contact the **beekeeper**, **provided that** one telephone contact is attempted between the hours of 9:00 A.M. and 10:00 P.M. on the last day before the 24-hour notification limit.
- (h) If the application date is changed so that the application will not occur on the intended date specified in the original notification of application but will be conducted during the next consecutive day, notification shall be given to the individual **beekeeper** as soon as reasonably

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possible but not later than 10:00 P.M. the night prior to the new application date.

(i) The provisions of this section shall not apply to any pesticide application **that** is made for agricultural purposes, except to the following crops within the dates stated below or when in the flowering stage:

- |     |                        |                      |
|-----|------------------------|----------------------|
| 1.  | Apples                 | April 15 to May 15   |
| 2.  | Pears                  | April 15 to May 15   |
| 3.  | Strawberries           | April 15 to May 15   |
| 4.  | Peaches                | April 15 to May 15   |
| 5.  | Blueberries            | April 15 to May 15   |
| 6.  | Cranberries            | June 15 to August 15 |
| 7.  | Holly                  | June 1 to June 30    |
| 8.  | Vine Crops (Cucurbits) | June 1 to August 31  |
| 9.  | Sweet Corn             | Flowering Stage      |
| 10. | Cover crop or weeds    | Flowering Stage      |

(j) No person shall apply a community or area wide application of a pesticide product, **that** has information on its label or labeling noting that the product is toxic to bees, on forest or shade tree hardwood tree species within one mile of a commercial blueberry field during the period April 15 through May 31 unless:

1. The applicator has received written permission to perform the application from all blueberry growers located within the one mile distance of the target site; and
2. Such written permission shall indicate that the application may be performed.

(k) No person shall apply any microencapsulated formulation, known to be toxic to bees, either in the crop or in the ground cover below or abutting the crop, while the crop or the ground cover is in bloom.

(l) The applicator or applicator business is exempt from the provisions of (a) above if the **beekeeper** signs a waiver **that** states that notification is declined:

1. Such waiver shall be worded as follows: "I have been told that I have the right to receive notification information as outlined in N.J.A.C. 7:30-9.11(a)1. I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing." Signed \_\_\_\_\_
2. The waiver may be withdrawn by the **beekeeper** at any time by notifying the applicator or applicator business, in writing.
3. Waivers shall be kept by the applicator or applicator business on file for at least three years.
4. Waivers shall be provided to the Department immediately upon request.
5. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to the **beekeeper** pursuant to N.J.A.C. 7:30-10.2.

#### **7:30-9.12 Notification: household or structural pest control**

(a) The types of pesticide application covered by this section are those performed by

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applicators who are required to be commercial certified pesticide applicators in categories: 7A-General and household, 7B-Termite and other wood destroying, 7C-Fumigation, 7D-Food processing, 7E-Wood preserving pest control (in structures), 8A-General public health (see exception in (e) below), 8C-Campground, and 12A-Water sanitization; or by a person working under the direct supervision of a commercial certified pesticide applicator in the above categories. The types of pesticide application not covered by this section are applications made by: private pesticide applicators; commercial certified pesticide applicators in Categories: 1A-Agricultural plant, 1B-Agricultural animal, 2-Forest, 3A-Ornamental, 3B-Turf, 3C-Interior plantscaping, 4-Seed treatment, 5-Aquatic, 6A-General vegetation management, 6B-Right-of-way, 7F-Antifoulant, 8B-Mosquito, 8D-Cooling water, 8F-Pet grooming, 9-Regulatory, 10-Demonstration and Research (in the above "not covered" categories) 11-Aerial; and 12B-Sterilization; applications with "minimum risk" pesticides exempted from regulation by N.J.A.C. 7:30-2.1(m)5; and also applications to "mobile structures", such as automobiles, buses, planes and ships.

(b) At single family residences, no commercial application of pesticides shall be made for the control of household or structural pests without the following provisions being carried out, and sufficient time given to take appropriate precautions, if needed, to minimize potential exposure to individuals, pets and non-target sites; except as delineated in (b)3 below:

1. No application shall be made until the residents of the property are given the opportunity to review the following consumer information notice which shall be provided by the commercial applicator or applicator business in writing or by electronic mail to the contracting party/residents and shall contain, at a minimum, the following:
  - i. A statement that the exact dates of application shall be available if requested, by the contracting party/residents;
  - ii. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
    - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
    - (2) The exercise of this option shall not defeat the purpose of (b)1iii below. The residents of the property must be able to act upon those applicable label precautions for the product being used prior to the application being made. This means that if an applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.
  - iii. Label instructions relating to resident or general public safety, including specific precautions for each pesticide;
    - (1) Such label instructions may include instructions to vacate for the time specified on the label, or to cover or remove certain objects, such as food, dishes, aquariums, etc. Giving such instructions to the residents does not relieve the applicator of responsibility to insure that applicable label directions are carried out;
  - iv. The name, address and telephone number of the applicator or applicator business;
  - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;

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- vi. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints";
  - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party; and
  - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity."; and
  - ix. For termite control applications, a copy of N.J.A.C. 7:30-10.4 or a Department approved summary of N.J.A.C. 7:30-10.4.
2. If the contracting party/resident requests prior notification of the specific date of the application, or a copy of the label(s) for the pesticide(s) used, such information shall be provided by the applicator or applicator business.
  3. The applicator or applicator business is exempt from the provisions of (b)1 above if the contracting party/resident and the buyer, if applicable, signs a waiver or confirms agreement by electronic mail of such waiver, which states that the written information is declined:
    - i. Such waiver shall be worded as follows: "I have been told that I have the right to receive consumer information as outlined in N.J.A.C. 7:30-9.12(b)1. I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing." Signed \_\_\_\_\_
    - ii. The waiver may be withdrawn by the contracting party/resident or buyer, if applicable, at any time by notifying the applicator or applicator business, in writing.
    - iii. Waivers shall be kept by the applicator or applicator business on file for at least three years.
    - iv. Waivers shall be provided to the Department immediately upon request.
    - v. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to the contracting party, resident, buyer and/or other appropriate persons pursuant to N.J.A.C. 7:30-10.2.
  4. The applicator or applicator business shall provide all information required in (b)1 or 2 above if requested by the new homeowner of a single family residence which was treated pursuant to a real estate transaction.

(c) At multiple family residences, no commercial application of pesticides shall be made for the control of household or structural pests without the following provisions being carried out, and sufficient time given to take appropriate precautions, if needed, to minimize potential exposure to individuals, pets and non-target sites; except as delineated in (c)6 below:

1. The applicator or applicator business shall post a decal notice in each unit prior to the start of the application, as required in (c)2 below; such decal shall have the following specifications:
  - i. The minimum size of the decal shall be 15 square inches.
  - ii. The decal shall be legible from a distance of three feet
  - iii. The decal shall remain legible while the area is being treated and for at least 60 days afterward. The decal may be removed after 60 days if no further pesticide applications are projected.
  - iv. The decal shall include the applicator or applicator business name and telephone

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- number.
- v. The decal shall include the following statement: "As part of a good sanitation program, this facility may be treated with pesticides. See the manager or building administration for further information"; and
  - vi. The decal shall conform to all applicable advertising requirements pursuant to N.J.A.C. 7:30-2.12
  2. The applicator or applicator business shall post the decal prominently on the inside of a kitchen cabinet door. Such cabinet shall be a commonly used cabinet, such as the cabinet above or below the kitchen sink. If a multiple family residence has no kitchen, the decal may be posted inside a cabinet or closet door where the tenant will see it.
  3. If the tenant or resident requests additional information, the applicator or applicator business shall provide a copy of all information required in (c)4i through ix below.
  4. No application shall be made until the contracting party has been given the opportunity to review the following consumer information notice, a copy of which shall be provided by the commercial applicator or applicator business in writing or by electronic mail to the contracting party, tenants, or residents and which shall contain, at a minimum, the following:
    - i. A statement that the exact dates of application shall be available if requested, by the contracting party, tenants or residents;
    - ii. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
      - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
      - (2) The exercise of this option shall not defeat the purpose of (c)4iii below. The residents of the property must be able to act upon those applicable label precautions for the product being used prior to the application being made. This means that if an applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.
    - iii. Applicable label instructions including separate precautions for each pesticide;
      - (1) Such label instructions may include instructions to vacate for the time specified on the label, or to cover or remove certain objects, such as food, dishes, aquariums, etc. Giving such instructions to the residents does not relieve the applicator of responsibility to insure that applicable label directions are carried out;
    - iv. The name, address and telephone number of the applicator or applicator business;
    - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
    - vi. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints.";
    - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party;
    - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be

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- used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity.”; and
- ix. For termite control applications, a copy of N.J.A.C. 7:30-10.4 or a Department approved summary of N.J.A.C. 7:30-10.4.
  5. If the contracting party, tenant or resident requests prior notification of the specific date of the application, or a copy of the label(s) for the pesticides used, such information shall be provided by the applicator or applicator business.
  6. The applicator or applicator business is exempt from the provisions of (c)4 above if the contracting party, tenant or resident signs a waiver or confirms agreement by electronic mail of such waiver, which states that the written information is declined.
    - i. Such waiver shall be worded as follows: “I have been told that I have the right to receive consumer information as outlined in N.J.A.C. 7:30-9.12(c)4. I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing.”  
Signed \_\_\_\_\_
    - ii. The waiver may be withdrawn by the contracting party at any time by notifying the applicator or applicator business, in writing.
    - iii. Waivers shall be kept by the applicator or applicator business on file for at least three years.
    - iv. Waivers shall be provided to the Department immediately upon request.
    - v. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to the contracting party, resident, buyer and/or other appropriate persons pursuant to N.J.A.C. 7:30-10.2.
  7. Common areas (hallways, storage areas or laundry rooms) of structures with multiple residential units are considered commercial buildings which require structural notification pursuant to (d)3 below.
    - (d) At institutions, commercial, industrial or public buildings, no commercial application of pesticides shall be made for the control of household or structural pests without the following provisions being carried out, and sufficient time given to take appropriate precautions, if needed, to minimize potential exposure to individuals, pets and non-target sites:
      1. No application shall be made until the contracting party and the building manager, or building contact person of the individual location, if different than the contracting party, has been given the opportunity to review the following consumer information notice, a copy of which shall be provided by the commercial applicator or applicator business in writing or by electronic mail:
        - i. A statement that the exact dates of application shall be available if requested, by the contracting party, building manager, or building contact person;
        - ii. The pesticides to be used (brand name and common chemical names, if available, of the active ingredients);
      - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
      - (2) The exercise of this option shall not defeat the purpose of (d)1iii below. The residents of the property must be able to act upon those applicable label precautions for the product being used prior to the application being made. This means that if an

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- applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.
- iii. Label instructions relating to building user or general public safety, including separate precautions for each pesticide;
  - (1) Such label instructions may include instructions to vacate for the time specified on the label, or to cover or remove certain objects, such as food, dishes, aquariums, etc. Giving such instructions to the occupants does not relieve the applicator of responsibility to insure that applicable label directions are carried out;
  - iv. The name, address and telephone number of the applicator or applicator business;
  - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
  - vi. The telephone number of the Pesticide Control Program and the statement: "This number **is** for pesticide regulation information and pesticide complaints.";
  - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party;
  - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity"; and
  - ix. For termite control applications, a copy of N.J.A.C. 7:30-10.4 or a Department approved summary of N.J.A.C. 7:30-10.4.
2. If the contracting party, occupant and/or the building manager, or building contact person requests prior notification of the specific date of the application, or a copy of the label(s) for the pesticides used, such information shall be provided by applicator or applicator business.
  3. The applicator or applicator business shall post permanent notices, prior to the start of the application, as specified below, such notice to include date of latest application, pesticide(s) used (brand name and common chemical names, if available), the name of a contact person and telephone number for additional information, and the intended date of next application. The Department will allow removal of the notice after 60 days if no further treatments are projected.
    - i. At health care facilities, the notice shall be prominently posted at the nurse's station adjacent to the areas treated;
    - ii. At restaurants, or any food handling establishment, the notice shall be prominently posted next to the Health Department inspection card;
    - iii. At hotels and motels, the notice shall be prominently posted at the main desk;
    - iv. At schools, places of worship and public meeting places, the notice shall be prominently posted at the central bulletin board; and
    - v. At commercial and industrial work places, the notice shall be posted in a prominent place for the benefit of the employees.
  4. At malls, stores, airports and other large public places, the applicator or applicator business shall post signs during the application, where the public may come in contact with the treated area, and the posting shall remain until the pesticide has settled or dried. This does not apply to crack and crevice treatments.

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- i. The signs shall bear the following information in letters at least one inch high "Pesticide Treated Area" and the signs shall contain a three inch or greater diameter circular illustration, in standard international signage, depicting an adult and a child walking. The illustration shall indicate by a diagonal line across the circle, that this action is prohibited.
  - ii. The signs shall be placed at the entrance(s) to the treated areas.
- (e) The use of aerosols or fogs in structures which are attached to or adjoining other occupied structures, or structures which have a common air handling system, shall require the notification of the occupants of those adjoining structures in the manner prescribed by (b) above. Crack and crevice applications and flushing agents are exempt from this subsection.
- (f) Public health officials are exempt from the notification requirements of this section, N.J.A.C. 7:30-9.13 and 9.15, during the normal course of their duties.

### **7:30-9.13 Notification: turf or ornamental applications**

(a) The types of pesticide applications covered by this section are those performed by applicators who are required to be commercial certified pesticide applicators certified in categories: 3A-Ornamentals; 3B-Turf; 3C-Interior plantscaping; 7A, 7B, 7D, 8A, 8C-Treatments which include perimeter barrier treatments beyond two feet, shade trees, lawn areas, shrubbery or brushy areas; 6A-General vegetation management; or performed by someone working under the direct supervision of such a commercial applicator. The provisions of this section need not be followed when using "minimum risk" pesticides exempted from regulation by N.J.A.C. 7:30-2.1(m)5.

(b) At single family residences, no commercial application of pesticides shall be made for the control of turf or ornamental pests on residential properties without the following provisions being carried out and sufficient time given to take appropriate precautions, if needed, to minimize potential exposure to individuals, pets and non-target sites, except as delineated in (b)4 below:

1. Signs shall be posted on the treated property, at the start of the application and may be removed after 72 hours.
  - i. The signs shall be white in color and bear the words, "Pesticide Treated Area" in letters at least one-half inch high;
- (1) All of the information required in (b)1i through (b)1v, shall be printed in a dark color, which sufficiently contrasts with the white background of the signs;
  - ii. The signs shall also contain a minimum two inch diameter circular illustration, in standard international signage, depicting an adult and a child on a lawn walking a dog on a leash. The illustration shall depict, with a diagonal line across the circle, that this action is prohibited;
  - iii. The signs shall also bear the name of the applicator or applicator license number only if not employed by a pesticide applicator business;
  - iv. If the application is made by a pesticide applicator business, the name of the applicator business or the business license number;
  - v. The telephone number of the applicator or applicator business;
  - vi. The signs shall be placed in such a manner:
    - (1) That they are clearly legible from all streets fronting the treated property and

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- principal accesses to the treated area and also at reasonable intervals around the perimeter of that part of the treated area which may be reasonably accessed by the public and/or the residents; or
- (2) If a smaller section of a larger property has been treated, only the treated area need be posted with a sign or signs; and
  - vii. The applicator or applicator business shall be responsible for posting and removing the signs; however, the applicator business may delegate to the contracting party, in writing, the removal of the signs.
2. No application shall be made until the contracting party has been given the opportunity to review the following consumer information notice, a copy of which shall be provided by the commercial applicator or applicator business in writing or by electronic mail:
    - i. A statement that the exact dates of application shall be available if requested, by the contracting party;
    - ii. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
      - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
      - (2) The exercise of this option shall not defeat the purpose of (b)2iii. below. The residents of the property must be able to act upon those applicable label precautions for the product being used prior to the application being made. This means that if an applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.
    - iii. Label instructions relating to contracting party or general public safety, including separate precautions for each pesticide;
      - (1) Such label instructions may include instructions to water in the pesticide, or to cover or remove certain objects, such as pets, yard equipment, etc. Giving such instructions to the residents does not relieve the applicator of responsibility to insure that applicable label directions are carried out.
    - iv. The name, address and telephone number of the applicator business;
    - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
    - vi. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints.";
    - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party; and
    - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity."
  3. If the contracting party requests prior notification of the specific date of the application, or a copy of the label(s) for the pesticides used, such information shall be provided by the applicator or applicator business.

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4. The applicator or applicator business is exempt from the requirement to provide the information pursuant to (b)2 above if the contracting party signs a waiver or confirms agreement by electronic mail of such waiver, which states that the written information is declined.
  - i. Such waiver shall be worded as follows: "I have been told that I have the right to receive consumer information as outlined in N.J.A.C. 7:30-9.13(b)2. I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing." Signed \_\_\_\_\_
  - ii. The waiver may be withdrawn by the contracting party by notifying the applicator or applicator business, in writing.
  - iii. The waivers shall be kept on file by the applicator or applicator business for at least three years.
  - iv. The waivers shall be immediately available upon request by the Department.
  - v. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to the contracting party, resident, and/or other appropriate persons pursuant to N.J.A.C. 7:30-10.2.
5. Whether or not a waiver is granted, the signs required pursuant to (b)1 above shall be posted.

(c) At multi-family residences, industrial and commercial buildings, no commercial application of pesticides shall be made for the control of turf or ornamental pests without the following provisions being carried out and sufficient time given to take appropriate precautions, if needed, to minimize potential exposure to individuals, pets and non-target sites:

1. Signs shall be posted on the treated property at the start of the application and may be removed after 72 hours.
  - i. The signs shall be white in color and bear the words, "Pesticide Treated Area" in letters at least one-half inch high;
- (1) All of the information required in (b)1i. through (b)1v., shall be printed in a dark color, which sufficiently contrasts with the white background of the signs;
  - ii. The signs shall also contain a minimum two inch diameter circular illustration, in standard international signage, depicting an adult and a child on a lawn walking a dog on a leash. The illustration shall depict, with a diagonal line across the circle, that this action is prohibited;
  - iii. The signs shall also bear the name of the applicator or applicator license number only if not employed by a pesticide applicator business; or if the application is made by a pesticide applicator business, the name of the applicator business or the business license number;
  - iv. The telephone number of the applicator or applicator business;
  - v. The signs shall be placed in such a manner:
    - (1) That they are legible from the principal access points to the treated area and also at reasonable intervals around the perimeter of that part of the treated area which may be reasonably accessed by the public and/or residents;
    - (2) For category 3C-Interior landscaping applications the signs shall be placed where they will be visible and a separate sign shall be placed in each cluster or grouping of plants; or
    - (3) If a smaller section of a larger property has been treated, only the treated area need

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- vi. be posted with a sign or signs; and
- vi. The applicator or applicator business shall be responsible for posting and removing the signs; however, the applicator business may delegate to the contracting party, in writing, the removal of the signs.
- 2. No application shall be made until the contracting party and the building manager or building contact person of the individual location, if different, has been given the opportunity to review the following consumer information notice, a copy of which shall be provided by the applicator or applicator business in writing or by electronic mail:
  - i. A statement that the exact dates of application shall be available if requested, by the contracting party, building manager, or building contact person;
  - ii. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
    - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
    - (2) The exercise of this option shall not defeat the purpose of (c)2iii below. The residents of the property must be able to act upon those applicable label precautions for the product being used prior to the application being made. This means that if an applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.
  - iii. Label instructions relating to contracting party or general public safety, including separate precautions for each pesticide;
    - (1) Such label instructions may include instructions to water in the pesticide or remove certain objects, such as food, dishes, toys, or pets, etc. Giving such instructions to the occupants does not relieve the applicator of responsibility to insure that applicable label directions are carried out.
  - iv. The name, address and telephone number of the applicator or applicator business;
  - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
  - vi. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints.";
  - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party or building manager/building contact person; and
  - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity."
- 3. If the contracting party and/or the building manager or building contact person, requests prior notification of the specific date of application, or a copy of the label(s) for the pesticides used, such information shall be provided by the applicator or applicator business.
- 4. The applicator or applicator business is exempt from the requirement to provide the

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- information pursuant to (c)2 above if the contracting party, or the building manager/building contact person, signs a waiver or confirms agreement by electronic mail of such waiver, which states that the written information is declined.
- i. Such waiver shall be worded as follows: "I have been told that I have the right to receive consumer information as outlined in N.J.A.C. 7:30-9.13(c)2. I decline to receive the information until such time as I withdraw this waiver by notifying the applicator or applicator business in writing." Signed \_\_\_\_\_
  - ii. The waiver may be withdrawn by the contracting party or the building manager by notifying the applicator or applicator business, in writing.
  - iii. The waivers shall be kept on file by the applicator or applicator business for at least three years.
  - iv. The waivers shall be immediately available upon request by the Department.
  - v. Waivers do not relieve the applicator or applicator business from responsibility to transmit appropriate warnings or precautions to the contracting party, resident, and/or other appropriate persons pursuant to N.J.A.C. 7:30-10.2.
5. Whether or not a waiver is granted, the signs required pursuant to(c)1 shall be posted.
- (d) At golf courses, no commercial application of pesticides shall be made for the control of turf or ornamental pests without the following provisions being carried out:
1. Signs shall be posted at the starting tees prior to any application so that the signs are visible to persons using the course.
    - i. The signs shall bear the following information in letters at least one inch high: "Pesticide Treated Area"; and
    - ii. The signs shall also include the following information, which shall be legible to a person standing in front of the sign at a distance of three feet and which shall be changed as necessary:
      - (1) The date of last application;
      - (2) The area(s) treated, that is, the tees, fairways, greens, and roughs for each hole;
      - (3) The pesticide(s) used (brand name and common chemical names, if available, of the active ingredients);
      - (4) The intended date of next application for the tees & fairways, greens, and roughs for each hole; and
      - (5) The name and telephone number of the person to contact for additional information.
  2. Any person asking the applicator or applicator business about pesticides used at the golf course shall be informed that the following information is available if requested in writing. The applicator or applicator business shall provide the following information within two weeks:
    - i. A copy of the label(s), of the pesticides used;
    - ii. The telephone number of the New Jersey Poison Information and Education System telephone number for emergency situations; and
    - iii. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints."
  3. If a pesticide application is made to a residential property which is a part of the golf course grounds then notification shall be given to the resident(s) pursuant to (b)2 above and the treated area shall be posted as in (b)1 above.

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4. If a pesticide application is made to golf course grounds which are not part of the actual playing course or part of a residential property, then the treated area shall be posted as in (b)1 above.
  
- (e) At schools, institutions, parks and similar sites, no commercial application of pesticides shall be made for the control of turf or ornamental pests without the following provisions being carried out:
  1. Signs shall be posted at the start of the application and may be removed after 72 hours. The signs shall be posted in such a manner:
    - i. That they are legible from the principal access points to the treated areas, such as athletic fields, play grounds and recreation areas;
    - ii. If there are no principal access points, that is the field, playground, or recreation area is open or unfenced, then signs shall be posted at reasonable intervals around the perimeter of that part of the treated area which may be reasonably accessed by the public and/or residents; or
    - iii. If a smaller section of a larger property has been treated, only the treated area need be posted with a sign or signs;
  2. The signs shall be white in color and bear the following information in letters at least one-half inch high: "Pesticide Treated Area":
    - i. All of the information required in (e)1-5, shall be printed in a dark color, which sufficiently contrasts with the white background of the signs;
  3. The signs shall also contain a minimum two inch diameter circular illustration, in standard international signage, depicting an adult and a child on a lawn, walking a dog on a leash. The illustration shall depict, with a diagonal line across the circle, that this action is prohibited;
  4. The signs shall also bear the name of the applicator or applicator license number only if not employed by a pesticide applicator business; or if the application is made by a pesticide applicator business, the signs shall bear the name of the applicator business or the business license number;
  5. The signs shall also bear the telephone number of the applicator or applicator business.
  6. The applicator or applicator business shall be responsible for posting the signs.
  7. No application shall be made until the contracting party and the site manager, that is, the head of the school, institution or park, has been given the opportunity to review the following consumer information notice, which shall be provided by the applicator or applicator business in writing or by electronic mail:
    - i. A statement that the exact dates of application shall be available if requested, by the contracting party, and site manager, that is, the head of the school, institution or park;
    - ii. The pesticide(s) to be used (brand name and common chemical names, if available, of the active ingredients);
  - (1) When an advance list of possible pesticides for each application has been given to the person to be notified, then the applicator or applicator business shall leave written notice of the specific pesticide used on the application date.
  - (2) The exercise of this option shall not defeat the purpose of (e)7iii below. The residents of the property must be able to act upon those applicable label precautions

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for the product being used prior to the application being made. This means that if an applicator, while on a job site, decides to use a pesticide for which the necessary label precautions or instructions are not performed either by the resident or the applicator, prior to the application, then the application shall be rescheduled.

- iii. Label instructions relating to building or site user or general public safety, including separate precautions for each pesticide;
  - (1) Such label instructions may include instructions to water-in the pesticide, or to cover or remove certain objects, such as playground equipment, etc. Giving such instructions to the contracting party does not relieve the applicator of responsibility to insure that applicable label directions are carried out;
  - iv. The name, address and telephone number of the applicator or applicator business;
  - v. The telephone number of the National Pesticide Information Center for general health and pesticide toxicology information and the New Jersey Poison Information and Education System telephone number for emergency situations;
  - vi. The telephone number of the Pesticide Control Program and the statement: "This number is for pesticide regulation information and pesticide complaints.";
  - vii. A statement, in writing, that a copy of the label(s) for the pesticide(s) used will be available, if requested by the contracting party or site manager; and
  - viii. The statement: "Sanitation, as well as physical and biological control measures, should be considered as a part of a good pest control program. Pesticides may be used as another part of a good pest control program. Pesticides are substances used to control living organisms and vary in degree of toxicity."
8. If the contracting party or site manager requests prior notification of the specific date of application, or a copy of the label(s) of the pesticides used, such information shall be provided by the applicator or applicator business.

(f) Public health officials are exempt from the notification requirements of this section and N.J.A.C. 7:30-9.12 and 9.15 during the normal course of their duties.

**7:30-9.14 School notification**

(a) No commercial or private outdoor pesticide application shall be made on sites within 250 feet from a school property line on those properties that are abutting and contiguous to the school with any equipment operating at greater than 60 psi unless the following provisions are carried out:

- 1. The responsible pesticide applicator shall contact a responsible school official prior to application to notify him or her of the possibility of future applications and learn if the school official desires notification of the applications.
  - i. If the school desires notification, the responsible applicator and the responsible school official may negotiate a notification agreement which may be verbal, but should be in writing if possible to avoid misunderstanding.
- 2. The notification agreement may include, but not be limited to, the following considerations, which will serve as notification guidelines:
  - i. The possible date(s) of application;
  - ii. The brand name and EPA registration number of the pesticide(s) which may be applied;

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- iii. The common chemical name(s) of the active ingredient(s) of the pesticide(s) listed in (a)2ii above;
  - iv. The name and license number of the pesticide applicator making the application; and
  - v. A name and telephone number of a contact person to call to receive further information.
3. Notice may be made by any means agreed to by both parties, such as by telephone, facsimile (fax), e-mail, in person or by regular or certified mail with sufficient lead time to take precautions in advance of the application. If attempts to notify the school official by telephone fail pursuant to (a)4 below, then all required notification information may be made in person or left in writing at the school office, prior to the beginning of the application. If no application is made on the intended date, then the school official may be notified again.
    - i. In the case of agricultural applications, if the applicator attempts to notify the school official by the methods agreed upon by both parties, and is unsuccessful, then the applicator is not required to provide notification in person or in a writing left at the school office.
  4. The person opting to notify the school by telephone shall attempt one telephone contact between the hours of 9:00 am and 3:00 PM.
  5. The agreement may address such circumstances as weekend availability of a responsible school official, or the use of an Integrated Pest Management (IPM) program.
- (b) Exceptions to the provisions of (a) above are as follows:
    1. Notice need not be made at all when the responsible school official informs the applicator that no student outdoor use of the school will occur during the application and for at least 24 hours after the application.
    2. If a good faith effort has been made to work out an agreement with the school, but an agreement cannot be reached, the application will not be stopped. However, the responsible applicator shall provide notification to the school official and reasonable precautions shall be taken, including the allowance of sufficient time for those notified to take appropriate precautions, before application may commence.
    3. The provisions of (a) above shall not apply to larviciding applications which are conducted by or controlled by a county mosquito control agency pursuant to the provisions of the Mosquito Extermination statute, N.J.S.A. 26:9-1 et seq.
    4. The provisions of (a) above shall not apply to pesticide applications made with any "minimum risk" pesticide exempted from regulation by N.J.A.C. 7:30-2.1(m)5.
    5. The applicator or applicator business is exempt from the requirement to provide notification pursuant to (a) above if the responsible school official declines the notification.
    6. The requirements of (a) above shall not apply to application equipment which has been designed to limit drift and which has been reviewed and approved by the Department.

**7:30-9.15 General notification**

- (a) The following applies to all applications covered under commercial category 1A, 2,

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3A, 3B, 3C, 5, 6A, 6B, 7A, 7B, 7C, 7D, 8A (see exception at N.J.A.C. 7:30-9.11(e)), 8B (except mosquito larviciding by ground application), and 8C:

1. No person shall make an application of pesticides in the categories of pest control noted in (a) above without complying with (b) below where a person not previously notified requests to be notified of such an application or where conditions indicate that notification in addition to that specified in this subchapter is necessary to prevent a significant risk of harm, injury or damage.

(b) When such need for notification is identified, notification shall be made and reasonable precautions taken, including the allowance of sufficient time for those notified to take appropriate precautions, before application may commence.

(c) Notification shall consist of the following:

1. The date and time of application;
2. The brand name and EPA registration number of the pesticide(s) which will be applied;
3. The common chemical name(s) of the active ingredient(s) of the pesticide(s) listed in (c)2 above;
4. The location or address of the application; and
5. A name and telephone number of a contact person to call to receive further information.

#### **7:30-9.16 General agricultural notification**

(a) Any private or commercial pesticide applicator, who has been issued any notice by the Department for violations of regulations concerning pesticide drift, direct application to non-target site(s), or misuse involving risk or actual harm, injury or damage to persons or the environment, which has occurred during the course of producing an agricultural commodity shall be subject to these notification requirements.

1. This requirement to notify shall commence upon the applicator's receipt of the notice as specified in (a) above and shall continue for a period of five years.
2. Should the applicator receive another notice for a violation concerning pesticide drift, direct application to non-target sites, or misuse as specified in (a) above during this five year period, then a new five year period shall commence with the applicator's receipt of the latest violation notice.

(b) The applicator shall post a flag or sign prior to any outdoor pesticide application that is made within 250 feet from the abutting or contiguous property line, so that the sign is visible to those neighboring persons who abut the treated site.

(c) The applicator shall post such flag or sign at the start of the application and shall remain posted at least 24 hours and removed within 72 hours of the end of the restricted entry interval.

1. The signs shall be posted in the following manner:
  - i. The flag(s) or sign(s) shall be legible from the neighboring borders or fence line abutting the treated areas; and

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- ii. If a smaller section of a larger property has been treated, only the treated area need be posted with a flag or sign.
- 2. The signs shall bear the following information in letters at least one inch high:
  - i. "Pesticide Treated Area"; and
  - ii. The name and telephone number of the person to contact for additional information.
- (d) The applicator shall be responsible for removing the flag or sign.

### **7:30-9.17 Reporting of pesticide spills**

(a) Any licensed pesticide dealer, dealer business, commercial pesticide operator, pesticide applicator, or any licensed pesticide applicator business, or any person required under the provisions of the Act and N.J.A.C. 7:30-3, 4, 5, 6, 7, or 8 to be a licensed dealer, dealer business, commercial pesticide operator, applicator or applicator business, shall notify the Department of any reportable pesticide spill occurring under such person's direct supervision and/or direct observation and shall provide the following information:

- 1. The name, address and telephone number of the pesticide dealer, commercial pesticide operator, or applicator;
- 2. The name, address and telephone number of the dealer business or applicator business, if any;
- 3. The name and telephone number of the property owner or operator;
- 4. The location of the incident;
- 5. The name and EPA registration number of the pesticide;
- 6. The estimated amount and dilution rate of pesticide involved; and
- 7. The corrective action(s) taken.

(b) The report shall be made to the Department immediately and shall be made by telephone to the Department Hotline at 1-877-WARNDEP or 1-877-927-6337.

- 1. A written report of the pesticide spill by the person responsible for the report pursuant to (a) above, shall be mailed to the Department, Pesticide Control Program, P.O. Box 411, Trenton, NJ 08625-0411 within 10 days of the date of occurrence.

(c) The Department shall maintain a log dedicated to recording reports made pursuant to (a) and (b) above and shall immediately enter such reports upon receipt.

(d) Any pesticide applicator and/or pesticide applicator business shall be jointly and severally responsible for the reporting of a pesticide spill as required by this section.

### **7:30-9.18 Accidental pesticide misapplications and spills**

(a) When, during the application of a pesticide, an accidental reportable pesticide spill has occurred, or if movement of a pesticide to a non-target site within a structure has occurred, no violation of this chapter shall be cited provided:

- 1. The person responsible for the application reports the spill or movement of the pesticide to the Department in accordance with N.J.A.C. 7:30-9.17;

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2. Necessary procedures to clean-up the pesticide to a level deemed acceptable by the Department are immediately implemented to reduce or remove resultant contamination at the non-target site. The Department may, at its discretion, extend the time period of initiation of the clean-up; and
3. It can be adequately demonstrated to the Department that the following conditions relevant to the application were met:
  - i. No injury to persons or the environment resulted from the incident or the presence of the pesticide at the non-target site;
  - ii. All persons involved in the application were properly licensed under the provisions of this chapter;
  - iii. Equipment used during the application was properly maintained and/or calibrated;
  - iv. The record of pesticide application contains all mandated information; and
  - v. The application was performed in a manner consistent with the provisions of the federal registered label of the pesticide used and other restrictions as contained in the Act or this chapter.