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SUBCHAPTER 6. COMMERCIAL PESTICIDE APPLICATORS

7:30-6.1 General requirement and exemptions

(a) No commercial pesticide applicator shall engage in, cause, suffer, allow, or permit the use or application of, or supervise the use or application of, any pesticide in any category or subcategory in which he or she has not been certified and licensed unless:

1. Such person is using a general use pesticide by equipment, other than aerial, in or around a private residence owned or rented by him or her and in which he or she resides. In multi-family private residences, this section shall apply to such person only in the individual unit in which he or she resides;
2. Such person is using a general use pesticide by equipment other than aerial for himself or herself or his or her employer on premises owned or rented by him or her or his or her employer and utilized for non-residential purposes, provided all of the following are true:
 - i. An exterior application itself does not involve more than three acres of land at any one time;
 - ii. The application is not made to an area where food or food-stuffs for human consumption are prepared, served, or stored;
 - iii. The property or premises to which the pesticide is applied indoors is not utilized by more than 10 employees; and
 - iv. The application is not made to a school, or day care center;
3. Such person is using pesticides by equipment, other than aerial, under the direct supervision of a responsible commercial pesticide applicator and where an employer-employee relationship exists between the person supervising the application and the person applying the pesticide, and where that person meets the requirements of N.J.A.C. 7:30-5;
 - i. For the purposes of this subchapter, a person is under direct supervision only if the person supervised and the person supervising are employed by the same employer at the same physical location.
 - ii. "Employed at the same physical location" means that the person supervising and the person supervised shall both have physical work spaces at the same physical location;
4. Such person is using a pesticide on property or premises owned or rented by the Federal government:
 - i. If such person is a Federal employee engaged in the performance of his official duties, and;
 - ii. If such person has been certified as an applicator of pesticides under a Federal agency plan which has been approved by the United States Environmental Protection Agency pursuant to the provisions of Section 4 of FIFRA, as amended;
5. Such person is using antimicrobial agents unless such agents have been classified as restricted use pesticides or such agents are being used in the pulp or paper process, or in the cooling waters of cooling towers or similar cooling devices;
6. Such person is using wood preserving agents unless such agents have been classified as restricted use pesticides;

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7. Such person is using antifouling paints or agents unless such paints or agents have been classified as restricted use pesticides;
8. Such person is a veterinarian, or is working under the direct supervision of a veterinarian, and is using pesticides on animals as part of his or her practice;
9. Such person is using chlorine gas, a restricted use antimicrobial agent, and is a holder of, or is working under the direct supervision of a holder of, one of the valid operator licenses listed below, provided that the operator license held is the proper one for the facility where the chlorine gas is being used:
 - i. Public Water Treatment Systems license;
 - ii. Public Water Distribution Systems license;
 - iii. Public Wastewater Treatment Systems license;
 - iv. Public Wastewater Collection Systems license;
 - v. Industrial Wastewater Treatment Systems License, except NN license.
 - vi. The exemptions in this paragraph are valid unless Federal regulation is changed to exclude them;
10. Such person is using a general use pesticide, such as a general use aerosol, in a manner limited to spot applications for personal safety against stinging insects, provided that the application is to an exterior site which will not potentially expose anyone except the user;
11. Such person is using any "minimum risk" pesticide exempted from regulation by N.J.A.C. 7:30-2.1(m)5; or
12. Such person is exempt under the provisions of N.J.S.A. 13:1F-1a, namely local or county health inspectors who use only general use pesticides as flushing agents, such as pyrethrum sprays, to check for insect infestations during the normal course of their job.

(b) Notwithstanding the responsibility of any other person or the exemption from the provisions of any other section of this subchapter, any pesticide applicator may be jointly and severally responsible for any aspect of any pesticide application in which he or she is involved including acts taken by others to, at least in part, further the interests of the pesticide applicator.

(c) Persons exempt under this section from all certification requirements shall not be considered to be commercial pesticide applicators, except that the exemption listed in (a)2 above shall not apply to any employee of a governmental agency (except for those exempt under the provisions of N.J.S.A. 13:1F-1a, namely local or county health inspectors who use only general use pesticides as flushing agents, such as pyrethrum sprays, to check for insect infestations during the normal course of their job) who engages in the use and application of pesticides as is necessary within the scope of his or her employment.

(d) Any person who believes that compliance with the provisions of this subchapter with respect to the requirements of (a) above will result in undue hardship, may apply to the Department for an exemption from the provisions of this subchapter, setting forth his or her reasons and justifications therefore, provided the proposed application is limited to general use pesticides to be applied on private property not open to the general public.

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(e) Possession or storage of any pesticide on a vehicle which meets the definition of a service vehicle, under circumstances which are not listed as exceptions pursuant to (a) above or N.J.A.C. 7:30-8.1(a) is considered as evidence that the user, owner or lessee of the vehicle is a commercial pesticide applicator and is required to be registered pursuant to this subchapter. Such person may also be required to register as a commercial pesticide applicator business pursuant to N.J.A.C. 7:30-7.

7:30-6.2 Certification and training

(a) In order to become certified, an applicant for a commercial pesticide applicator license who has never before been licensed or who has lost certification pursuant to the requirements of N.J.A.C. 7:30-6.5 or 6.6(b), shall pass a core examination, as well as a specific category examination, which shall be written and, when deemed necessary by the Department, may include performance testing. The examinations shall include, but not be limited to, all areas of required knowledge set forth in Federal regulations 40 CFR 171. The core examination shall include such areas as pesticide handling and safety, environmental considerations, symptoms of pesticide poisoning and current laws and regulations. The category or subcategory examination shall include areas of required knowledge, that are specific to the commercial category or subcategory in which the applicant has applied to be certified.

1. The examination shall be Department-approved and administered by the Department or a third party approved by the Department.
2. The third party may charge a fee for administering an examination.
3. The Department will charge \$100.00 for each examination that it administers.

(b) The applicant shall further fulfill the following training and certification requirements:

1. To be eligible to take the core examination, each applicant shall submit to the examination provider proof of completion of a Department-approved basic training course, which shall provide the pesticide applicator with a working knowledge, at a minimum, of the following:
 - i. The proper use of application equipment;
 - ii. The potential hazards that may be involved in applying pesticides;
 - iii. Instruction for mixing pesticides to be used in particular circumstances;
 - iv. Protective clothing and safety equipment required during the handling and application of pesticides;
 - v. General precautions to be followed in the disposal of containers as well as the cleaning and decontamination of equipment;
 - vi. Applicable State and Federal pesticide laws and regulations;
 - vii. An understanding of how to correctly interpret pesticide label and labeling information; and
 - viii. An understanding of the principles of integrated pest management (IPM).
2. To be eligible to take a category examination, each applicant shall complete a minimum of 40 hours of "on-the-job" practical training sufficient to allow the applicant to competently perform the functions associated with any pesticide applications in which the applicant is expected to be involved.
 - i. The applicant shall be instructed on recognition of pests, their biology and signs

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of infestation to ensure an understanding of the pest(s) to be controlled.

- ii. The applicant shall witness or perform at least the minimum number of pesticide applications during the 40 hours of “on-the-job” training in each of the following categories of work for which they are trained:

<u>Category of Work</u>	<u>Minimum Number of Applications</u>
Category 1A - Plant:	5
Category 1B - Animals:	2
Category 2 - Forest pest control:	2
Category 3A - Ornamental:	15
Category 3B - Turf:	15
Category 3C - Interior plantscaping	15
Category 4 - Seed treatment:	2
Category 5 - Aquatic pest control:	5
Category 6A - General vegetation management:	10
Category 6B - Right of Way:	5
Category 7A - General and household pest control:	15
Category 7B - Termites and other wood destroying pests:	6
Category 7C - Fumigation pest control:	2
Category 7D - Food manufacturing and processing:	5
Category 7E - Wood preserving pest control:	2
Category 7F - Antifoulants:	2
Category 8A - General Public Health:	15
Category 8B - Mosquito control:	5
Category 8C - Campground pest control:	5
Category 8D - Cooling water pest control:	2
Category 8E - Sewer Root Control:	2
Category 8F - Pet grooming:	15
Category 9 - Regulatory pest control:	5
Category 11 - Aerial Pest Control:	10
Category 12A - Water Sanitization:	10
Category 12B - Sterilization:	15

- iii. Proof of such applications shall consist of the records of application signed by both a responsible pesticide applicator and the applicant, or any other Department approved record. Such records shall be kept for a minimum of three years and shall be immediately available upon request by the Department;
 - iv. Proof of the required training shall be submitted with the application for examination;
 - v. A responsible certified and licensed pesticide applicator shall be present during any part of the “on-the-job” training which requires the applicant to apply pesticides;
3. If “on-the-job” training is unavailable for reasons deemed sufficient by the **examination provider**, the applicant may do one of the following in lieu of (b)2 above:
- i. Arrange for an internship to receive the 40 hours of “on-the-job” training from a

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- ii. Department approved trainer, company or school;
 - ii. Complete a Department-approved category training course which covers pest biology, pest identification, and signs of infestation to ensure an understanding of the pest(s) to be controlled, and demonstrates techniques specific for that category sufficient to meet the “on-the-job” training objectives; or
 - iii. Submit an affidavit to the examination provider attesting to proof of one year of work experience in the category desired. Such proof may consist of records of application or employment records, such as an employer's written statement attesting to the applications made during that employment. Such records shall be made available to the Department upon request.
4. If the minimum of 40 hours of on-the-job practical training or an internship of 40 hours is determined by the examination provider to be unavailable then the examination provider shall waive (b)2 and 3 above and may instead accept completion of a Department-approved correspondence course or online interactive computer course to satisfy training requirements.
 5. Proof of the training required in (b)1, 2, 3, or 4 above shall be submitted to the examination provider with the application for examination.
 6. Certification category 10 and 11 are exempt from the training requirements above since training is required related to the specific category or subcategory to be carried out under these categories. See N.J.A.C. 7:30-6.3(a)10 and 11 for an explanation.
 7. Certification category 11 requires training in aerial pest control only and is exempt from the 40 hour training requirements in the other categories. The 40 hours of training required in the aerial category will serve as sufficient proof to file an application to take any other category exam.
 8. Certification category 13 is exempt from the training requirements above since any applicant requiring certification in this category will be required to pass any category or subcategory which is related to the specific type of pest control performed.
- (c) Certification in both core and a category or subcategory shall be obtained within 12 months of the date of the first examination passed. Any person who does not meet the requirements of this subsection shall lose all certification and retake certification exams in accordance with the provisions of this subchapter.
- (d) Any person who is assigned a certification examination date, and fails to be present on that examination date without just cause, shall be subject to a \$50.00 fee.
- (e) Application for the examination shall be submitted to the examination provider on a form approved by the Department, along with proof of training, no later than midnight of the closing date for the examination as determined by the examination provider.
1. The application form is available from the Bureau of Licensing and Registrations website at <http://www.nj.gov/dep/enforcement/pcp/bpo.htm>.
- (f) After certification a pesticide applicator who elects to add one or more categories or subcategories to his or her certification shall be required to take only the category examination

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for such category or subcategory, and shall file a separate application with proof of training appropriate to that category.

(g) Since there is a partial overlap between certain categories and/or subcategories, it shall not be necessary for an applicator to become certified in certain additional categories or subcategories provided:

1. The study manual for the category or subcategory in which the applicator is actually certified covers the particular type of pesticide application in question as substantially as the manual for the category or subcategory in which the applicator would, by definition, be making the application.
2. The applicator customarily does work in the category or subcategory in which certified, with the type of application in question being supplemental to and not the sole emphasis of the work. (Example: An applicator mainly applies pesticides to forest trees for gypsy moth control and is certified in Category 2, Forest Pest Control. The applicator will not have to also be certified in Subcategory 3A, Ornamental Pest Control, when applying pesticides for gypsy moth control to ornamental trees in residential areas, since the manuals for both Category 2 and Subcategory 3A cover application for gypsy moth control similarly.)

(h) The **examination provider** may waive certification testing or may only require a “waiver” examination (a short examination covering the pesticide regulations) for such categories as 12B-Sterilization, where the applicant already holds the recognized training certificate, membership card, or license. **The examination provider shall charge the applicable fee for an examination, notwithstanding that it has waived all or a portion of the certification testing.** To become certified and licensed in New Jersey through the examination waiver process, the following items must be submitted **to the examination provider**:

1. A completed “Application for Pesticide Applicator Certification Examination” with the exam selection area left blank;
2. A copy of the certificate, membership card or license issued by the school indicating that the course was successfully completed; and
3. The completed waiver examination answer sheet.

(i) **Any examination, form, or required training course or material used by a third party shall be approved by the Department. Any such materials developed under an agreement with the Department shall be considered Department-approved.**

7:30-6.3 Categories

(a) Any commercial pesticide applicator who satisfactorily completes the requirements for Core certification and training pursuant to N.J.A.C. 7:30-6.2 may become certified in one or more of the following categories or subcategories:

1. Agricultural pest control;
 - i. Category 1A - Plant: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides in the production of agricultural crops, including, but not limited to, tobacco, peanuts, cotton, feed grains, soybeans, and forage; vegetables, small fruits, tree fruits and nuts, as well as on grasslands and

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- non-crop agricultural lands. This subcategory also includes the commercial fumigation of soil and agricultural products on agricultural establishments and the commercial use of chemigation.
- ii. Category 1B - Animals: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides on animals, including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined.
 2. Category 2 - Forest pest control: This category includes commercial pesticide applicators using or supervising the use of pesticides in forests, forest nurseries, and forest seed producing areas.
 3. Landscaping pest control:
 - i. Category 3A - Ornamental: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control pests in the maintenance and production of ornamentals. This subcategory also includes tick control in brush areas only.
 - ii. Category 3B - Turf: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control pests in the maintenance and production of turf. This subcategory also includes vegetation control on commercial and residential sites only; flea and tick control in turf areas only; and soil fumigation for turf only. Vegetation control on industrial sites, airport runways, dams or other embankments requires category 6A, General vegetation management.
 - iii. Category 3C - Interior plantscaping: This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance of interior plantscapes.
 4. Category 4 - Seed treatment: This category includes commercial pesticide applicators using or supervising the use of pesticides on seeds.
 5. Category 5 - Aquatic pest control: This category includes commercial pesticide applicators using or supervising the use of any pesticide purposely applied to standing or running water, excluding applicators engaged in public health related activities included in (a)8 below, public health pest control.
 6. Vegetation management:
 - i. Category 6A - General vegetation management: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides for vegetation control at industrial sites, airport runways, dams and other embankments.
 - ii. Category 6B - Right of Way: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides in the maintenance of public roads, industrial weed control on driveways, electric power lines, pipelines, railway rights-of-way, fence lines or other similar linear areas that cross boundaries and includes the application of insecticides to control pests of turf and ornamental plants in these settings.
 7. Industrial, institutional, structural pest control:
 - i. Category 7A - General and household pest control: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control general household pests including, but not limited to, roaches, ants, bees,

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- ticks (inside and outside the structure), fleas (inside and outside the structure), rodents, other vertebrates and birds. Control for these pests may take place at residential, commercial, industrial and institutional sites including retail sales outlets where food is prepared, served, or stored.
- ii. Category 7B - Termites and other wood destroying pests: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control termites or other wood destroying pests.
 - iii. Category 7C - Fumigation pest control: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides which may be classified as true fumigants.
 - iv. Category 7D - Food manufacturing and processing: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides in and around food manufacturing, packaging and processing establishments including, but not limited to, meat packing plants, dairy product operations, canning, grain, milling, bottling, and coffee roasting plants, not including retail sales outlets. This is a composite subcategory which covers the types of pest control work found in categories 3A, 3B, 6A, 7A and 7C for food manufacturing plants.
 - v. Category 7E - Wood preserving pest control: This subcategory includes commercial pesticide applicators using or supervising the use of restricted use pesticides to control fungi, insects, bacteria, marine borers and other wood destroying pests.
 - vi. Category 7F - Antifoulants: This subcategory includes commercial pesticide applicators using or supervising the use of restricted use antifouling paints or other agents on boat hulls and other areas to control barnacles, algae, and other marine pests.
8. Public health pest control:
- i. Category 8A - General: This subcategory includes, but is not limited to, State, Federal, or other governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance. This subcategory also includes flea and tick control inside and outside structures.
 - ii. Category 8B - Mosquito control: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides for the management and control of mosquitoes.
 - iii. Category 8C - Campground pest control: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides in locations having area(s) specifically designated for the purpose of erecting temporary shelters such as tents and cabins. These locations may or may not include areas which are used for recreational activities. This is a composite subcategory which covers the types of pest control application found in categories 3A, 3B, 7B (except termites), 8A and 8B.
 - iv. Category 8D - Cooling water pest control: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control microbial and other pests of cooling waters in cooling towers or other related areas.

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- v. Category 8E - Sewer root control: This subcategory includes commercial pesticide applicators using or supervising the use of root control agents applied in sewer lines.
- vi. Category 8F - Pet grooming: This subcategory includes commercial pesticide applicators using or supervising the use of pesticides to control pests on animals normally kept as pets, including but not limited to fleas, ticks, or mites.
- 9. Category 9 - Regulatory pest control: This category includes State, Federal, or other governmental employees who use or supervise the use of pesticides in the control of regulated pests.
- 10. Category 10 - Demonstration and research pest control: This category includes:
 - i. Individuals who demonstrate to the public the proper use and techniques of application of pesticides or supervise such demonstrations;
 - (1) Included in the group in (a)10i above are such persons as extension specialist and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs; and
 - ii. Persons conducting field research with pesticides.
 - (1) The group in (a)10ii above includes: State, Federal, commercial and other persons conducting field research on or utilizing pesticides.
 - iii. A person applying for certification in this category will be required to pass at least two examinations, for this category as well as an examination and training in any category or subcategory which is related to the specific type of demonstration or research to be carried out by the applicant.
- 11. Category 11 - Aerial pest control: This category includes all pilots responsible for agricultural and other pest control. A person applying for certification in this category will be required to pass at least two examinations in addition to the Core examination. These shall include a general examination of this category, as well as an examination in any category or subcategory which is related to the specific type of aerial application to be carried out by the applicant. However, the 40 hours of training pursuant to N.J.A.C. 7:30-6.2(a)3ii will be required for category 11 only.
- 12. Antimicrobial pest control:
 - i. Category 12A - Water sanitization: This subcategory includes commercial pesticide applicators using or supervising the use of restricted use antimicrobial agents for sanitizing water. This includes, but is not limited to, sanitizing water in swimming pools, hot tubs, spas, whirlpools, and in industrial, commercial, and manufacturing processes.
 - ii. Category 12B - Sterilization: This subcategory includes commercial pesticide applicators using or supervising the use of restricted use pesticides for sterilization of medical supplies and instruments. All of the following are considered to be a "use" of a restricted use sterilant and require certification:
 - (1) Changing supply tanks;
 - (2) Service persons using a sterilant to test the proper functions of a sterilizing chamber;
 - (3) Loading of the sterilization chamber;
 - (4) Monitoring during all parts of the chamber's automated cycle, with the exception of the aeration portion of the cycle; and

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- (5) Unloading the chamber.
- 13. Category 13 - IPM in Schools: This category includes commercial pesticide applicators making applications on school buildings and grounds pursuant to the provisions of N.J.A.C. 7:30-13.
 - i. A person certified in this category shall also satisfactorily complete the requirement for certification in the category or subcategory related to the specific type of pest control the person will perform.
 - ii. An applicant for certification in this category is not subject to the requirement at N.J.A.C. 7:30-6.2(a)3ii.

(b) New categories: Whenever the Department determines that a particular type of pesticide application involves concepts included in more than one category or subcategory or concepts not addressed by an existing category or subcategory, the Department may establish a special category or subcategory which will incorporate such concepts. A person may apply pesticides in the special category or subcategory for a period of time which does not exceed 90 days after the date that the examination for the special category or subcategory has become available.

7:30-6.4 Licensing

(a) Within 12 months after a person has become fully certified and eligible to become licensed as a commercial pesticide applicator, the certified commercial pesticide applicator shall complete and file with the Department a license application, and shall include as integral part of the application the annual license fee of \$80.00.

- 1. A fee not to exceed \$10.00 may be charged for each additional duplicate license issued.
- 2. Any certified pesticide applicator who fails to file within the 12 month period will lose certification status and shall again become certified in accordance with the provisions of this subchapter.

(b) The license year shall expire on October 31 of each calendar year.

(c) Applications for a new license will be accepted from certified commercial pesticide applicators throughout the calendar year but a full year's license fee will be required. All such licenses will expire on October 31 following the date of application, except that the Department may issue a license for an additional year when an application is initially filed during the last three months of the license year.

(d) The certification and license of a commercial pesticide applicator are not transferable.

(e) A commercial pesticide applicator shall notify the Department, in writing within 30 days, if he or she changes any information on his or her license application.

(f) A commercial pesticide applicator shall maintain his license on his or her person whenever pesticides are used.

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(g) Rutgers University Cooperative Extension personnel who participate as instructors or in the preparation of subject matter for applicator certification and/or recertification training programs shall be exempt from the fee requirements as provided in (a) above and N.J.A.C. 7:30-6.5(a).

(h) No person shall be eligible for a license as a commercial pesticide applicator until reaching 18 years of age.

7:30-6.5 License renewal

(a) A certified commercial pesticide applicator shall renew his or her license annually with the Department and pay the license renewal fee of \$80.00.

(b) A licensed commercial pesticide applicator who has not become licensed with the Department for two consecutive license years shall lose certification status and shall again become certified and licensed in accordance with the provisions of this subchapter.

7:30-6.6 Recertification

(a) In order to maintain his or her certification, the commercial pesticide applicator shall meet the requirements for recertification as specified by the Department. If the requirements for recertification are not met, the commercial pesticide applicator shall again become certified in accordance with the provisions of this subchapter.

(b) Persons licensed as commercial pesticide applicators whom the Department determines are responsible for a pesticide misuse under the provisions of the Act or this chapter, may be required by the Department to provide evidence of continued competency to apply or supervise the application of pesticides by repeating the certification requirements of N.J.A.C. 7:30-6.2.

(c) Provisions of (b) above shall be directed to the responsible commercial applicator for pesticide misuse by himself or herself and/or for pesticide misuse by commercial applicators or commercial pesticide operators under his or her direct supervision.

(d) Any commercial pesticide applicator required under (b) above to become recertified shall be so notified by the Department and shall have a maximum of 30 days from the date of such notice to comply.

(e) Failure to comply with (a) through (d) above will result in the commercial pesticide applicator license being immediately suspended pending the outcome of an expedited hearing which shall be granted the applicator upon request under the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1.

7:30-6.7 Right of entry or collection of samples

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(a) In order to determine compliance with the requirements of the Act or rules promulgated thereunder, the Department may, at reasonable hours enter any building or place except private residences pursuant to (c) below, for the purpose of investigating an actual or suspected violation relating to pesticides, ascertaining compliance or non-compliance with any rules, regulations or orders of the Department. The Department may conduct an inspection or sampling, and may procure samples for analysis or examination from any premise, lot, package or parcel of pesticide or substance suspected to contain a pesticide. If the owner, operator or agent in charge of the place to be inspected is present, officers or employees of the Department shall notify him or her of their intent to inspect or sample and inform him or her of the reason therefore. Having been so notified, no person shall prevent officers or employees of the Department from conducting such inspection or sampling.

(b) Notification pursuant to (a) above may also consist of a "Notice Of Attempt To Contact" delivered by hand to an employee, an owner, operator or agent in charge, or sent by certified mail, receipt acknowledged.

1. When such "Notice" has been sent by certified mail, the owner, operator or agent in charge of the place to be inspected shall have one week after the date of delivery to contact the Department, Pesticide Control Program and arrange for the inspection or sampling.

(c) Those portions of a private residence used for business purposes shall be accessible for inspection and sampling. These portions include, but are not limited to, the office and record keeping areas, storage areas, mixing/loading sites, and vehicle parking areas.

(d) Compliance with N.J.A.C. 7:30-6.7 shall be a condition of licensing for any out-of-State licensee.

7:30-6.8 Records

(a) A commercial pesticide applicator shall keep, for each application of pesticides made by him or her or under his or her direct supervision, a record of application containing the following information, unless it is an aquatic pesticide application, in which case a record shall be kept in accordance with N.J.A.C. 7:30-9.3(j):

1. The date of application;
 - i. For pesticides having a specific REI listed on the label or labeling, the date of application shall include the hour completed (which signals the beginning of the REI); and
 - ii. The re-entry time and date;
2. The place of application, namely the specific address, municipality and county;
 - i. For pesticide applications to an agricultural commodity, place of application shall include:
 - (1) The name and address of the farm; and
 - (2) The specific field, greenhouse or land area, including the municipality and county; and
 - (3) The crop, commodity or stored product that was treated with the pesticide; and

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- (4) The size of the area treated;
 - ii. To satisfy the requirement for a specific address, a map or specific location description of the place of application may be listed as part of the record;
 3. The brand or trade name, the active ingredients, and the EPA registration numbers of each pesticide used or symbol representing such information, providing the applicator also keeps a list which clearly correlates the symbol used pursuant to (b)1 below;
 4. The "recipe" used to mix the pesticide as required by the label. The recipe shall consist of:
 - i. The total amount of pesticide concentrate; and
 - ii. The total amount of diluent.
 5. The total amount of pesticide mixture used for each individual application.
 - i. The size of the area treated, when a rate per given area is specified on the label;
 6. The full name and pesticide applicator license number of the person making the application, or a symbol **that** corresponds to that person's name and license number on a separate list of all commercial applicators and/or commercial pesticide operators.
 - i. **If the person making the pesticide application is a handler, the record or list shall include the handler's full name;**
 7. The site of application; and
 8. For applications by a commercial applicator of a termiticide, the record shall also include a diagram of the structure treated, depicting:
 - i. The lower level of the structure;
 - ii. The general location of the termite infestation(s) or re-infestation(s) and visible damage;
 - iii. Areas treated; and
 - iv. Any significant items such as location of known wells, drainage systems, "porch over basement" situations and streams and ponds which may be affected by the application.
- (b) In addition to the records required by (a) above, the applicator shall also keep, in writing:
1. A listing of the names, active ingredients (common chemical name, if available) and corresponding EPA Registration Numbers of all the pesticides applied by the applicator or by any persons under the applicator's supervision. This information may be kept separately from the records required by (a) above or may be integrated with such records by including on the record of each pesticide application the full name, active ingredients and EPA Registration Number of the pesticide(s) used; and
 2. Records of all on-the-job training given to commercial pesticide operators and applicators pursuant to N.J.A.C. 7:30-5.2 and 6.2, kept separately or marked in such a way that they can be accessed upon request by the Department.
- (c) All records and information required to be kept pursuant to this section shall be recorded in writing as soon as possible, but no later than 24 hours after application and kept for a

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minimum of three years except that all records of termiticide applications shall be kept for a minimum of five years.

(d) All records and information required to be kept pursuant to this section shall be immediately provided to the Department upon request. Such records shall also be immediately provided to medical personnel in emergency cases. In non-emergency cases, medical personnel may request this information through the Department. These records may be kept by a business pursuant to N.J.A.C. 7:30-7.

(e) A commercial pesticide applicator shall, upon written request, provide a customer with a copy of the application record which is required to be kept pursuant to this section and which pertains to a pesticide application performed for that customer.

(f) Before the application of any pesticide on, or in, an agricultural establishment, any handler employer, commercial pesticide applicator, and/or pesticide applicator business performing any application of a pesticide having a restricted-entry interval subject to the provisions of N.J.A.C. 7:30-12 shall notify the agricultural employer, owner or lessee responsible for the field being treated of the following:

1. The specific location and description of the areas **to be treated**;
2. The **start and estimated end** time and date of application;
3. The product name, EPA registration number, and active ingredient(s);
4. The restricted-entry interval **specified on the pesticide labeling**;
5. Whether posting and oral notification, **or both**, are required; and
6. Any **restrictions or use directions that the pesticide labeling indicates must be followed for** protection of workers, **handlers**, or other persons during, or after, application.

(g) The records of application for all pesticides used under a New Jersey or Federal Experimental Use Permit, FIFRA Section 18 Emergency Exemption or Section 24(c) Special Local Need registration shall be clearly designated so that they stand out from the other application records. In addition, such records shall contain, in addition to that information required in (a) above, the EPA Section 24(c) SLN Product Registration Number, EPA Section 18 File Symbol Number, or the State/EPA EUP Number.

(h) Local or county health inspectors who use only general use pesticides as flushing agents, such as pyrethrum sprays, to check for insect infestations during the normal course of their job are exempt from recordkeeping under the provisions of N.J.S.A. 13:1F-1a.

7:30-6.9 Denial, suspension, or revocation of commercial pesticide applicator license

- (a) The Department, when it determines that grounds exist, may:
1. Deny an application for a commercial pesticide applicator license;
 2. Revoke a commercial pesticide applicator license;
 3. Suspend a commercial pesticide applicator license.

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(b) Each of the following acts shall constitute a ground for which any of the disciplinary actions described in (a) above may be taken:

1. Refusing or, after notice, failing to comply with the provisions of the Act or this Chapter or any Order issued by the Department pursuant thereto;
2. Operating in such a manner so as to cause harm, injury or damage to persons, property or the environment, or significant risk of harm, injury or damage;
3. Making false or fraudulent claims through any form of written or verbal communication, misrepresenting the effect of any pesticide or application methods to be utilized, or the degree of certification and licensing needed;
4. Making a pesticide application which is not in accordance with the pesticide label, except as allowed by the US EPA, or not in accordance with administrative actions on a specific pesticide(s) taken by the US EPA, or not in accordance with the specifications of a special local need registration or not in accordance with use restrictions imposed by the Department under the authority of N.J.A.C. 7:30-10.1(a);
5. Operating faulty or unsafe application equipment;
6. Applying any pesticide to any site where any person other than those engaged in the application is present within the boundaries of the target site at the time of application;
7. Failing to keep or falsification of required records;
8. Falsifying or making misleading statements in the application for a commercial pesticide applicator license;
9. Evading, or attempting to evade the provisions of the Act or this chapter, or aiding, abetting, combining with, or conspiring with any person for any purpose which will evade or be in violation of the provisions of the Act or this chapter;
10. Using another person's certification or license;
11. Advertising a false pesticide applicator or business license number or advertising in such a manner as to imply Department approval of the applicator, or of the pesticides or techniques used by the applicator; or
12. Receiving disciplinary action for committing any of the acts in (b)1 through 11 above in another state, territory or tribal jurisdiction.

(c) In the event of the issuance of a final order assessing a civil penalty under Section 14(a) (7 U.S.C. § 136(l)) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 135 et seq.) or a criminal conviction under Section 14(b) (7 U.S.C. § 136(l)), the Department will review and may suspend or revoke the license of any person so assessed or convicted.

(d) No person having a commercial pesticide applicator license which has been revoked or suspended in this State or in any other state, territory or tribal jurisdiction, shall be allowed to apply pesticides under the direct supervision of any licensed pesticide applicator during the time period in which the revocation or suspension is in effect.

1. If a commercial pesticide applicator license is revoked or suspended, the license shall be returned to the Department, Pesticide Control Program within 14 days of such revocation or suspension.

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(e) Where the Department acts pursuant to (a) above, the Department shall afford a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1 to any person who is aggrieved by the order and who has applied to the Department for a hearing within 20 days of issuance of the order.

7:30-6.10 Purchase of restricted use pesticides

No person shall purchase a restricted use pesticide unless he or she presents his or her valid certified pesticide applicator license pursuant to this subchapter or N.J.A.C. 7:30-8 or a valid substitute as provided in N.J.A.C. 7:30-6.1(a)4, 8 or 9.

7:30-6.11 Responsibility for commercial pesticide operators and handlers

(a) The commercial pesticide applicator co-signing the license application of a commercial pesticide operator, shall be responsible for the commercial pesticide operator having obtained adequate training in the proper use and application of pesticides as required in 7:30-5.2(a).

(b) Notwithstanding the responsibility of any other person or the exemption from the provisions of any other section of this subchapter, the pesticide applicator co-signing the commercial pesticide operator's license application, or the new responsible pesticide applicator pursuant to N.J.A.C. 7:30-5.3(d)1, shall be responsible for any violation of the Act committed by a commercial pesticide operator under his or her direct supervision. This responsibility shall be joint and several.

(c) The commercial pesticide applicator co-signing the license application for the commercial pesticide operator shall be responsible for notifying the Department, Pesticide Control Program, in writing and within 30 days, of any changes in the information contained on the commercial pesticide operator license application, if such notification has not already been given to the Department by the commercial pesticide operator.

(d) Notwithstanding the responsibility of any other person or the exemption of the pesticide applicator from the provisions of this subchapter, the pesticide applicator shall be responsible for any violation of the Act committed by a handler under his or her direct supervision. This responsibility shall be joint and several.

7:30-6.12 Assignment of work

(a) No person shall require any individual to make a pesticide application in any category or subcategory in which the individual is not currently certified and licensed as an applicator or trained and licensed as a commercial pesticide operator pursuant to this chapter, unless the individual so assigned is applying pesticides by equipment other than aerial and is working under the supervision of a responsible pesticide applicator, certified and licensed

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pursuant to this chapter, who is employed by the same business and is physically present at the time, site and place of application.

(b) No person shall require any individual to perform any task that falls within the definition of handler, unless the individual has been trained as a handler and complies with N.J.A.C. 7:30-12, Agricultural Worker Protection.

7:30-6.13 Reciprocity

(a) The **examination provider** may waive initial certification testing where an applicant has previously been certified in another state or territory pursuant to a valid certification test given in that state or territory of the United States, provided that the Commissioner, by cooperative agreement, has previously recognized such state or territory as having adopted a certification program substantially equivalent to New Jersey's.

(b) A New Jersey Pesticide Applicator license will be issued pursuant to this section, if the following conditions are satisfied:

1. The **examination provider** receives proof of a valid certification from any state or territory **that** has been officially recognized by the State of New Jersey as having a certification program substantially equivalent to New Jersey's and **that** has signed a cooperative agreement with the State of New Jersey relating to the certification of pesticide applicators and the reciprocal acceptance thereof;
2. The applicant demonstrates **to the examination provider**, through testing, a knowledge of relevant New Jersey Pesticide Control laws and regulations;
3. **All applicable fees are paid. The examination provider shall charge the applicable fee for an examination, notwithstanding that it has waived all, or a portion of, the initial certification testing in accordance with (a) above; and**
4. The applicant has no history of violations in his or her state of residence.

7:30-6.14 Container and Containment Rule

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).