

**(Excerpt from Subchapter 2 of the NJ Pesticide Regulations)**

**7:30-2.9 Prohibited pesticides**

(a) No person shall distribute, sell, offer for sale, purchase, or use any pesticide which has been suspended or canceled by the EPA, except as provided for in the suspension or cancellation order.

(b) All marine uses of free association formulas of antifoulant paints and co-polymer formulations with release rates greater than the acceptable release rate as defined in this subchapter are prohibited.

(c) No person shall distribute, sell, offer for sale, purchase, or use any pesticide which has been suspended or canceled by the State, except as provided for in the suspension or cancellation order.

**7:30-2.10 Restricted use pesticides**

(a) The following pesticides are restricted use pesticides which can be purchased and/or used only by certified and licensed responsible pesticide applicators or used only by persons working under their direct supervision. Unless it is otherwise provided, all formulations, isomers of actives (even isomers or formulations with differing CAS numbers) and uses of the following pesticides are restricted use.

1. Any pesticide classified by the Administrator of the EPA for restricted use under the provisions of section 3(d)(1) of FIFRA.
2. Any fumigant including, but not limited to, those listed in (a)4v below, except:
  - i. Any pesticide containing naphthalene, ortho-dichlorobenzene, and/or para-dichlorobenzene as the sole active ingredient or in combination with another active ingredient which is not classified for restricted use if the pesticide product is used to control mosquitoes or clothes moths, or to repel warm-blooded animals;
  - ii. Any sulphur candle fumigator intended to control general household pests;
  - iii. Any coils containing pyrethrins and/or allethrin as the active ingredient which are used to control flies and/or mosquitoes;
3. Any aquatic pesticide which contains labeling instructions indicating that the pesticide is intended for use on aquatic sites, except any “minimum risk” pesticide exempted from regulation by N.J.A.C. 7:30-2.1(m)5.
4. Any pesticide with one or more of the active ingredients listed below:
  - i. Fungicides, nematicides, and other materials as follows:

<b>CAS Number</b>	<b>Common Name</b>
7440-43-9	Cadmium products (containing salts or metal complexes)
534-52-1	DNOC, DNC
131-89-5	DNOCHP, dinitrocyclohexylphenol
22224-92-6	fenamiphos

140-56-7	fenaminosulf (concentrations above 5%)
7439-97-6	Any pesticide containing mercury as an inorganic or organic compound except those used as a drug as defined in N.J.S.A. 24:21-2, those used as a fungicide in the treatment of textiles and fabrics intended for continuous outdoor use, those used as an in-can preservative in water-based paints and coatings, or those used as a fungicide in water-based paints and coatings used for exterior application.
87-86-5	pentachlorophenol, PCP (concentrations above 5% for non-wood preservative uses)
26628-22-8	sodium azide, azide (concentrations above 0.5%)
297-97-2	thionazin
various	tributyltin (marine uses of formulations with acceptable release rates)
76-87-9	triphenyltin hydroxide (concentrations above 10%)

ii. Herbicides/growth regulators as follows:

94-75-7	2,4-dichlorophenoxy-acetic acid (2,4-D)(concentrations above 20%)
5742-19-18	2,4-D diethanolamine salt (concentrations above 20%)
2008-39-1	2,4-D dimethylamine salt (concentrations above 20%)
2702-72-9	2,4-D sodium salt (concentrations above 20%)
1929-73-3	2,4-D butoxyethanol ester (concentrations above 20%)
1928-45-6	2,4-D propylene glycol butyl ether esters (concentrations above 20%)
1928-43-4	2,4-D 2-ethylhexyl ester (concentrations above 20%)
25168-26-7	2,4-D isooctyl ester (concentration above 20%)
533-23-3	2,4-D ethyl ester
94-11-1	2,4-D isopropyl ester
1928-38-71	2,4-D methyl ester
94-80-4	2,4-D mixed butyl esters
1713-15-1	2,4-D mixed isobutyl esters
93-76-5	2,4,5-T
50-31-7	2,3,6-TBA and related polychlorobenzoic acids, dimethylamine salts
15972-60-8	alachlor
61-82-5	amitrole
21725-46-2	cyanazine (concentrations above 30%)
596-84-5	daminozide
88-85-7	dinoseb
7784-46-5	sodium arsenite
7775-09-9	sodium chlorate (concentrations above 7%)
159518-97-5	cloransulam
98967-40-9	flumetsulam

iii. Insecticides as follows:

390-00-2	aldrin
86-50-0	azinphos-methyl
22781-23-3	bendiocarb (concentrations above 15%)

122-10-1	bomyl (concentrations above 1%)
57-74-9	chlordane
2921-88-2	chlorpyrifos (concentrations above 15%)
56-72-4	coumaphos (concentrations above 5%)
333-41-5	diazinon (concentrations above 25%)
62-73-7	dichlorvos (concentrations above 0.5%)
60-57-1	dieldrin
60-51-5	dimethoate (concentrations above 25%)
298-04-4	disulfoton (concentrations above 2%)
115-29-7	endosulfan
72-20-8	endrin
563-12-1	ethion (concentrations above 6% Granular and 3% other formulations)
55-38-9	fenthion (concentrations above 0.5%)
76-44-8	heptachlor
7440-38-2	inorganic arsenicals (above 0.5 oz. active ingredient)
112-56-1	lethane 384 (concentrations above 10%)
58-89-9	lindane (concentrations above 20%)
2032-65-7	mercaptodimethur, methiocarb (concentrations above 2%)
919-86-8	methyl demeton (concentrations above 7%)
315-18-4	mexacarbate (concentrations above 2%)
311-45-5	paraoxon
2310-17-0	phosalone (concentrations above 12%)
732-11-6	phosmet (concentrations above 20%)
23103-98-2	pirimicarb (concentrations above 15%)
23505-41-1	pirimiphos-ethyl (concentrations above 20%)
114-26-1	propoxur (concentrations above 2%)
7681-49-4	sodium fluoride
8001-35-2	toxaphene
52-68-6	trichlorfon (concentrations above 15%)

iv. Vertebrate pesticides as follows:

86-88-4	antu (concentrations above 4%)
1327-53-3	arsenic trioxide (concentrations above 1.5% in rodenticides)
504-24-5	avitrol
56073-10-0	brodifacoum (concentrations above 0.005%)
28772-56-7	bromadiolone (concentrations above 0.01%)
3691-35-8	chlorophacinone (concentrations 0.2% and above)
117-52-2	coumafuryl (concentrations above 3%)
535-89-7	crimidine
82-66-6	diphacinone (concentrations above 3%)
7723-14-0	phosphorus (yellow, white)
83-26-1	pindone (concentrations above 3%)
507-60-8	red squill (concentrations above 30%)
81-81-2	warfarin (concentrations above 3%)

v. Fumigants including, but not limited to, the following:

107-13-1	acrylonitrile
20859-73-8	aluminum phosphide (Phostoxin)
592-01-8	calcium cyanide
75-15-9	carbon disulfide
56-23-5	carbon tetrachloride
7782-50-5	chlorine gas
76-06-2	chloropicrin
533-74-4	dazomet
542-75-6	dichloropropene
106-93-4	ethylene dibromide
107-06-2	ethylene dichloride
75-21-8	ethylene oxide (carboxide)
74-90-8	hydrogen cyanide (hydrocyanic acid gas)
12057-74-8	magnesium phosphide
137-42-8	metam-sodium
74-83-9	methyl bromide
2699-79-8	sulfuryl fluoride (Vikane)

NOTE: Chemical Abstract Service (CAS) numbers of 7440-43-9, 7439-97-6, and 7440-38-2 are for the elemental form.

(b) Any pesticide restriction Federally imposed by the EPA shall take precedence over any restriction under the provisions of (a) above; providing, such federal restriction is more stringent than that of (a) above.

### **7:30-2.11 Amending prohibited and restricted-use pesticide lists**

(a) The Department may revise the list of prohibited and restricted use pesticides designated by the State of New Jersey; provided that, any change in the list shall be made in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.

(b) Any person may petition the Department for modification of the listings in N.J.A.C. 7:30-2.9 or 2.10 provided that the petitioner shall supply adequate information (as determined by the Department) to demonstrate that the modification is necessary.

(c) The Department shall consider the following criteria when evaluating a pesticide for placement on the prohibited or restricted use pesticide list:

1. Acute toxicity;
2. Neurotoxicity;
3. Chronic health effects, including but not limited to:
  - i. Carcinogenicity;
  - ii. Mutagenicity;
  - iii. Teratogenicity;
  - iv. Embryotoxicity;

- v. Reproductive effects.
4. Environmental fate, including but not limited to:
  - i. Persistence;
  - ii. Bioaccumulation;
  - iii. Frequency of detection in environmental media;
  - iv. Potential for contamination of “waters of the State.”
5. Pesticide use pattern(s);
6. Pesticide regulatory history.

(d) For purposes of interpretation of (c) above, failure to evaluate all criteria or lack of definitive data in any review criterion so as to limit effective consideration in such area, shall not affect prohibition and/or restriction as determined by the department through evaluation of other criteria.

(e) When any pesticide is reclassified from general to restricted use, such restriction shall be immediate unless otherwise provided by US EPA for a pesticide restricted under N.J.A.C. 7:30-2.10(a)1 or unless otherwise provided by the Department in N.J.A.C. 7:30-2. The Department, at the time of reclassification, may provide a specified time period and any other condition for continued sale and/or use of the reclassified pesticide after evaluation of the criteria established in N.J.A.C. 7:30-2.11(c).

(f) No person shall distribute or sell a restricted use pesticide for resale only, to a retail dealer or distributor without first informing the purchaser in writing that the pesticide being distributed or sold is a restricted use pesticide.