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ENVIRONMENTAL PROTECTION

Water Resource Management

Division of Water Monitoring and Standards

Pesticide Control Code

Readoption: N.J.A.C. 7:30

Authority: N.J.S.A. 13:1D-1 et seq., 13:1F-1 et seq., particularly 13:1F-4, and 13:1F-19 et seq.

Authorized by: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Effective Date: February 7, 2022

New Expiration Date: February 7, 2029

Take notice that, pursuant to the Pesticide Control Act, N.J.S.A. 13:1F-1, et seq., the Pesticide Control Code at N.J.A.C. 7:30 is readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on March 20, 2022. The Department has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

As authorized by the Pesticide Control Act, N.J.S.A. 13:1F-1 et seq., the Pesticide Control Code at N.J.A.C. 7:30 contains the Department's rules governing the manufacture, labeling, registration, and classification of pesticides, the registration of pesticide dealers and pesticide

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dealer businesses, the registration of applicators of pesticides, and the distribution, use, application, storage, handling, transportation, and disposal of pesticides in the State. The rules also govern the use of integrated pest management in schools. Integrated pest management is a holistic approach to controlling pests, using sanitation, structural modifications, and other management techniques, rather than automatically turning to chemical control as a first option. (School Integrated Pest Management Act, N.J.S.A. 13:1F-19 et seq.). The Pesticide Control Act requires the Department's rules regarding labeling of pesticides to conform to the Federal law and regulations, to the extent practicable. The U.S. Environmental Protection Agency (EPA) regulates pesticides under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq. (FIFRA), and the implementing regulations. The Department's Pesticide Control Code is based on the Federal pesticide program. Enforcement of Federal pesticide laws was largely turned over to New Jersey over a period of years (1975 – 1980) under an agreement between the State and the EPA. The Department is authorized to regulate the sale or use of pesticides, provided that it does not permit any sale or use prohibited by FIFRA.

When it enacted the Pesticide Control Act, the Legislature found that New Jersey, as the most densely populated and urbanized state in the nation, must be especially alert to any possibilities of disturbing natural ecological balance. This requires consideration of many factors, including long term effects on the environment, as well as the safety and effectiveness of pesticides. Indiscriminate use of pesticides in the State would constitute a serious threat to the environment, which could be eliminated only by the adoption and enforcement of regulations governing the sale, use, and application of all pesticides. (See N.J.S.A. 13:1F-2.). Accordingly, the State's rules are more stringent than the Federal rules in the areas of

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classification of pesticides, commercial pesticide applicator certification, commercial and private pesticide application recordkeeping, restricted pesticides, termiticide use restrictions, notification requirements, integrated pest management in schools, and agricultural worker protection.

The Pesticide Control Code includes various fees, including fees for product registration, licenses for pesticide dealers (both individuals and businesses), licenses for pesticide operators and pesticide applicators (both individuals and businesses), exams for pesticide applicators, and permits for aquatic pesticides.