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|------------|--|
| 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%) |
| 369i-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.

Amended by R.1985 d.557, effective November 4, 1985.
See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Substantially amended.

Correction: Added text to (a)7 CAS Number 62-73-7.

See: 19 N.J.R. 466(b).

Amended by R.1987 d.309, effective July 20, 1987.

See: 19 N.J.R. 492(a), 19 N.J.R. 1925(a).

Added Alachlor and Daminozide.

Amended by R.1988 d.538, effective November 21, 1988.

See: 20 N.J.R. 579(a), 20 N.J.R. 2865(a).

Substantially amended.

Recodified from N.J.A.C. 7:30-2.3 and amended by R.2001 d.427, effective November 19, 2001.

See: 33 N.J.R. 474(a), 33 N.J.R. 3956(b).

Rewrote the section.

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); and
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.

Amended by R.1985 d.557, effective November 4, 1985.
See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Substantially amended.

Amended by R.1988 d.538, effective November 21, 1988.
See: 20 N.J.R. 579(a), 20 N.J.R. 2865(a).

Added (c)2 and renumbered (c)2-5 as 3-6.

Recodified from N.J.A.C. 7:30-2.4 and amended by R.2001 d.427, effective November 19, 2001.

See: 33 N.J.R. 474(a), 33 N.J.R. 3956(b).

In (b), amended the N.J.A.C. reference; in (e), substituted "US" for "the Federal", "2.10(a)1" for "2.3(a)2" and "2.11(c)" for "2.4(c)"; added (f).

7:30-2.12 Advertising

(a) No person shall advertise in a manner which implies US EPA or Department approval of the person, the pesticide, or the pest control technique used.

(b) No person shall advertise in a manner which states or implies that a pesticide, pesticides, pest control technique or services including the use of pesticides, are non-toxic or safe. Such prohibited advertising practices may include, but are not limited to:

1. False statements about product effectiveness;
2. References to a product being recommended or endorsed by the US EPA or the Department;
3. A true statement used in such a way as to give a false or misleading impression, such as, "organic," "organic based," "natural" or "natural based";
4. Safety claims such as "environmentally safe," "non-poisonous," "non-injurious," "harmless" or "nontoxic to humans and pets";

5. Non-numerical and/or comparative statements on the safety of a product such as, "contains all natural ingredients," "among the least toxic chemicals known," "pollution approved," "biodegradable" and "environmentally friendly";

6. False and misleading pictorial ads; and

7. Company names such as those which imply that the pesticides used are "safe," "natural" or "organic."

(c) No person shall advertise or represent himself or herself in any manner to the public, as performing a service for which licensing is required by this chapter, unless such person is so licensed.

1. Exceptions to (c) above shall be permitted only if the advertisement clearly states that:

i. The services advertised are subcontracted out to a licensed person, and such an arrangement between the two parties is documented in writing; or

ii. Only non-pesticidal methods of pest control are used.

2. Any reference to proper pesticide licensing or a pesticide license number shall include the word "pesticide," such as "licensed for pesticide use" or "pesticide license number . . .". This requirement will avoid confusion with other licenses or certifications which may also be obtained by an applicator or business.

(d) No person shall advertise in a manner that is in violation of State or Federal law.

New Rule, R.2001 d.427, effective November 19, 2001.
See: 33 N.J.R. 474(a), 33 N.J.R. 3956(b).

SUBCHAPTER 3. PESTICIDE DEALERS

7:30-3.1 General requirements

(a) No person shall distribute, sell, or offer for sale or supervise the distribution, sale, or offering for sale of any restricted use pesticide to an end user without first meeting the requirements of certification and licensing as a pesticide dealer unless:

1. Such person is working under the direct supervision of a responsible pesticide dealer and where an employer-employee relationship exists between the person supervising and the person actually distributing the pesticide;

i. For the purposes of this subchapter and N.J.A.C. 7:30-4, a person is under direct supervision only if the person supervised and the person supervising are employed at the same pesticide outlet.