

**CHAPTER 30**

**PESTICIDE CONTROL CODE**

**Authority**

N.J.S.A. 13:1D-1 et seq. and 13:1F-1 et seq. specifically 13:1F-4.

**Source and Effective Date**

R.1992 d.509, effective November 24, 1992.  
See: 24 N.J.R. 2776(a), 24 N.J.R. 4526(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 30, Pesticide Control Code, expires on November 24, 1997.

**Chapter Historical Note**

Chapter 30, Pesticides Control, was adopted as R.1974 d.11, effective January 18, 1974. See: 5 N.J.R. 300(a), 6 N.J.R. 59(a). Revised rules for Subchapter 3, Certification of Pesticide Applicators, were adopted and section 1.9 was repealed by R.1976 d.295, effective October 1, 1976. See: 8 N.J.R. 220(c), 8 N.J.R. 460(c).

Chapter 30, Pesticide Control, was repealed and a new Chapter 30, Pesticide Control Code, consisting of Subchapter 1, Pesticide Product Registration and General Requirements; Subchapter 2, Prohibited and Restricted Use Pesticides List; Subchapter 4, Pesticide Dealers; and Subchapter 8, Private Pesticide Applicators, was adopted as R.1982 d.435, effective December 6, 1982. See: 14 N.J.R. 787(a), 14 N.J.R. 1385(a). Subchapter 10, Pesticide Use, was adopted as R.1983 d.63, effective March 7, 1983. See: 15 N.J.R. 333(b). Subchapter 3, Pesticide Dealers; Subchapter 5, Commercial Pesticide Operators; Subchapter 6, Commercial Pesticide Applicators; and Subchapter 7, Pesticide Applicator Businesses, were adopted as R.1983 d.166, effective June 6, 1983. See: 14 N.J.R. 787(a), 15 N.J.R. 915(a). Chapter 30 was amended by R.1984 d.39, effective February 21, 1987. See: 15 N.J.R. 2017(b), 16 N.J.R. 368(a); R.1985 d.557, effective November 5, 1985 (7:30-9.10 operative January 3, 1985; 7:30-9.4(f)7 operative February 2, 1986). See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b); and R.1987 d.309, effective July 20, 1987. See: 19 N.J.R. 492(a), 19 N.J.R. 1925(a).

Pursuant to Executive Order No. 66(1978), Chapter 30 was readopted as R.1988 d.9, effective December 4, 1987. See: 19 N.J.R. 1611(a), 20 N.J.R. 75(a). Subchapter 11, Emergency Containment and Disposal of Pesticides, was recodified from N.J.A.C. 7:1-2 by R.1990 d.457, effective September 17, 1990. See: 22 N.J.R. 1457(a), 22 N.J.R. 2965(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Pesticide Control Code, was readopted as R.1992 d.509, effective November 24, 1992. See: Source and Effective Date.

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**SUBCHAPTER 1. PESTICIDE PRODUCT REGISTRATION AND GENERAL REQUIREMENTS**

**7:30-1.1 Scope**

(a) Unless otherwise provided by rule or statute, the following shall constitute the rule of the Office of Pesticide Control and shall govern the manufacturing, labeling, registration, and classification of pesticides, the registration of pesticide dealers and pesticide dealer businesses, the registration of applicators of pesticides, and the distribution, use, application, storage, handling, transportation, and disposal of pesticides in the State of New Jersey.

(b) Any fee under this chapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

**Petition for Rulemaking.**

See: 25 N.J.R. 4675(e), 26 N.J.R. 261(a).  
Amended by R.1995 d.205, effective April 17, 1995.  
See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

**Case Notes**

Department of Environmental Protection inspector's warrantless entry and inspection of complainant's business premises and records were appropriate; defendant (inspector) not guilty of criminal trespass. State v. Santiago, 218 N.J.Super. 427, 527 A.2d 963 (Law Div.1986).

**7:30-1.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Acceptable release rate" means a measured release rate not to exceed 4.0 micrograms per square centimeter per day at steady state conditions as determined in accordance with the U.S. Environmental Protection Agency (EPA) testing procedure outlined in the EPA data call-in notice of July 29, 1986, on tributyltin (TBT) in antifoulant paints under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136.

i. Any consenting inhabitant may withdraw consent by notifying, in writing, the party which requested the consent. Consent may be withdrawn following the application season or at any time for a pesticide misapplication involving the consenting inhabitant's property under this chapter. Upon such notification, the previous consent shall be invalidated. Copies of all consent agreements shall be maintained by the aerial pesticide applicator and/or applicator business and made immediately available, upon request, to the Department.

(t) No person shall be exempt from any of the provisions of this section except under these conditions:

1. During an emergency proclaimed by the Commissioner, specific aerial applicators may be exempted from all, or from specific regulations as deemed necessary by the Department to handle the emergency situation.
2. Any State, Federal, or public agency or aerial applicator under contractual agreement with such an agency when conducting a pest control operation shall be exempted from (l) through (n) and (g) through (s) above.
3. The provisions of (s) above shall not apply to any private residence that is occupied by the person contracting to have the spray performed and which is located on a property which includes the target site.

Amended by R.1985 d.557, effective November 4, 1985.

See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Originally "Containers and container labeling".

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

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

Subsection(s) added "pesticide" and "applicator". Deleted text in (s)4i "Provisions of this . . ."; added (t)3.

**7:30-10.6 Pesticide contamination cleanup**

(a) In situations involving misapplication of a pesticide(s) with resultant citation of application section(s) of N.J.A.C. 7:30-10, and where the Department determines an imminent hazard or significant risk of harm, injury or damage to persons or the environment would result, or in the case of a reportable pesticide spill, the Department may order the person responsible for the misapplication or spill to return to the site location and conduct a cleanup to reduce or remove the pesticide to a level acceptable by the Department. The cleanup procedure is to be in accordance with the methods approved by the Department and subject to follow-up sampling by the responsible person to verify the efficacy of the cleanup.

(b) The person held responsible for the cleanup shall notify the Department when the cleanup has been completed and, upon request, provide to the Department copies of the analytical results of all samples collected to verify the efficacy of the cleanup.

(c) For purposes of interpretation of (a) above, the basis for issuance of a cleanup order by the Department may include, but not be limited to:

1. Any application and/or spill or a persistent pesticide to a non-target site, as determined by review of the product's Federal registered label or other use restrictions adopted under the authority of N.J.A.C. 7:30-10.2(a); or

2. Any application of a pesticide to a non-target site where evaluation of the pesticide use pattern in conjunction with properties of the pesticide in addition to persistence, are deemed by the Department to present a significant risk of harm, injury or damage.

Amended by R.1985 d.557, effective November 4, 1985.

See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Originally "Pesticide use and/or application".

**7:30-10.7 Assessment of fees for sample analysis**

(a) In any situation involving a suspected misapplication or spill of a pesticide, where the sample(s) routinely collected during the initial inspection and sampling date define a violation of the Act or rules promulgated thereunder and show the need for collection of additional samples to define the extent of the contamination as required by the Department to fully evaluate the procedures necessary to remedy said violation, a fee for all sampling may be assessed against the person responsible for the violative application or spill, such fee to reflect the actual cost incurred by the Department for the analyses of the sample(s).

(b) A manufacturer of pesticide products shall be responsible for sample analysis fees when analysis of products collected at the manufacturer's facility indicate the samples are violative as misformulations.

(c) Fees for pesticide sample analysis of formulations are as follows:

- |  |                      |
|--|----------------------|
| 1. Liquids, except detergents:             | \$300.00 per sample. |
| 2. Powders:                                | \$340.00 per sample. |
| 3. Aerosols, baits, traps, and detergents: | \$400.00 per sample. |
| 4. User dilution:                          | \$500.00 per sample. |

(d) Fees for pesticide sample analysis of residues are as follows, reflecting a cost per analyte. Each additional analyte increases the applicable fee by 10 percent.

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|---------------------------|----------------------|
| 1. Swab:                  | \$125.00 per sample. |
| 2. Air (puf):             | \$150.00 per sample. |
| 3. Air (chromosorb):      | \$100.00 per sample. |
| 4. Water:                 | \$150.00 per sample. |
| 5. Soil and other solids: | \$225.00 per sample. |
| 6. Biological tissue:     | \$250.00 per sample. |

(e) The fee for a pesticide scan shall be \$250.00 per group.

(f) Any sample requiring extra preparatory work or special analysis shall be charged \$100.00 per hour for the preparatory work or special analysis in addition to the fees specified in (c), (d) or (e) above.

Amended by R.1985 d.557, effective November 4, 1985.

See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Originally "Disposal".

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

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

Added (b)-(f).

### 7:30-10.8 Submission of data on pesticide use

(a) The Department may require the annual submission from any person registered to apply pesticides in New Jersey of information specifying the type and amount of pesticide applied by that person within a time interval as determined by the Department. The information shall be submitted on forms supplied by the Department and contain the following information:

1. The product name and EPA registration number of all pesticides applied within the time period specified;
2. The total quantity of each pesticide applied within such time period;
3. The site(s) of application; and
4. The method of application (aerial or ground).

(b) Additional information relating to the use of a specific pesticide or type of pesticide may be requested by the Department, at any time, when deemed necessary to evaluate a significant risk of harm, injury or damage to persons or the environment.

Amended by R.1985 d.557, effective November 4, 1985.

See: 17 N.J.R. 242(b), 17 N.J.R. 2609(b).

Originally "Notification: community or areawide applications".

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

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

Repealed old 10.8 "Accidental pesticide misapplication and spills" which was originally "Pesticide application and safety equipment" and recodified 10.9 to 10.8.

## SUBCHAPTER 11. EMERGENCY CONTAINMENT AND DISPOSAL OF PESTICIDES

### 7:30-11.1 Pesticides in water

(a) Whenever any fire, explosion, casualty, or any other unexpected 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 regulation, 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 of Environmental Protection upon the occurrence of a pesticide accident as described herein.

### 7:30-11.2 Disposal of pesticides

No person shall discard, burn, bury, or in any other way dispose of any pesticide except in accordance with a plan for such disposal approved in writing by the Department of Environmental Protection.

R.1971, d.142, effective August 25, 1971.

See: 3 N.J.R. 176.

### 7:30-11.3 Plan of disposal

(a) Before any person disposes of any pesticides, he shall first submit to the Department of Environmental Protection a written plan giving said Department reasons to be assured:

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 by said Department; and
3. That such disposal will not endanger the public health, safety or welfare.

R.1971 d.143, effective August 25, 1971.

See: 3 N.J.R. 176.

### 7:30-11.4 Disposal defined

The term "disposal" as used herein shall not be construed to refer to the ordinary application of pesticides for the purposes for which they are intended.

## SUBCHAPTER 12. AGRICULTURAL WORKER PROTECTION

### Authority

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

## Source and Effective Date

R.1996 d.247, effective June 3, 1996.  
See: 27 N.J.R. 4957(a), 28 N.J.R. 2976(a).

**7:30-12.1 General duties, prohibited actions**

(a) The agricultural employer or the handler employer, as appropriate, shall:

1. Assure that each worker or handler subject to this subchapter receives the protection required by this subchapter;
2. Assure that any pesticide handled for use on an agricultural establishment is used in a manner consistent with the labeling of the pesticide, and the requirements of this subchapter;
3. Provide to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protection required by this subchapter. Such information and directions shall specify which persons are responsible for actions required to comply with this subchapter; and
4. Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this subchapter and to assure that the worker or handler receives the protection required by this subchapter.

(b) The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this subchapter or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any of the requirements of this subchapter.

**7:30-12.2 Definitions**

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Agricultural commodity” means any plant or part thereof, or animal product, produced by a person (including, but not limited to, farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animal.

“Agricultural crop” means a food produced by cultural treatment of land or water which is intended for human consumption, or for livestock, the products of which are intended for human consumption.

“Agricultural emergency” means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no

alternative practices would prevent or mitigate a substantial economic loss. A “substantial economic loss” means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

“Agricultural employer” means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management of an agricultural establishment that uses such workers.

“Agricultural establishment” means any farm, forest, nursery, or greenhouse.

“Agricultural forest” means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

“Agricultural plant” means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers; shrubs; ornamentals; and seedlings.

“Chemigation” means the application of pesticides through irrigation systems.

“Commercial pesticide handling establishment” means any establishment, other than an agricultural establishment, that:

1. Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants; or
2. Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

“Crop advisor” means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks.

“Early entry” means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

“Farm” means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

“Fumigant” means any pesticide product that is a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

“Greenhouse” means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

“Hand labor” means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

“Handler” means any person, including a self-employed person:

1. Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which this subchapter applies and who is:

- i. Mixing, loading, transferring or applying pesticides;
- ii. Disposing of pesticides or pesticide containers;
- iii. Handling open containers of pesticides;
- iv. Acting as flagger;
- v. Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues;
- vi. Assisting with the application of pesticides;
- vii. Entering a greenhouse or other enclosed area after the application of a pesticide and before the inhalation exposure level listed on the labeling has been reached or one of the ventilation criteria established by N.J.A.C. 7:30-12.4(c)3 or in the labeling has been met:

(1) To operate ventilation equipment;

(2) To adjust or remove coverings used in fumigation; or

(3) To monitor air levels;

viii. Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins; or

ix. Performing tasks as a crop advisor:

(1) During any pesticide application;

(2) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by N.J.A.C. 7:30-12.4(c)3 or in the labeling has been met; or

(3) During any restricted-entry interval.

2. The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple rinsing or its equivalent.

“Handler employer” means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

“Immediate family” includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

“Limited contact task” is a non-hand labor task performed by workers that results in minimal contact with treated surfaces (including, but not limited to, soil, water, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet.

“Nursery” means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

“Owner” means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this subchapter. A person who has both leased such agricultural establishment to another person and granted that same person the full right and authority to manage and govern the use of such agricultural establishment is not an owner for the purposes of this subchapter.

“Restricted-entry interval” means the period of time that must elapse after a field is treated with a pesticide, and before any person is permitted to enter to engage in an activity requiring substantial contact with treated surfaces.

“Treated area” means any area to which a pesticide is or has been applied or to which it has been directed.

“Worker” means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which N.J.A.C. 7:30-12.1 through 12.12 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of the sections above.