

SUBCHAPTER 11 PESTICIDE GRACE PERIOD REGULATIONS

7:30-11.1 Grace period

(a) This subchapter identifies violations of this chapter as minor or non-minor in accordance with N.J.S.A. 13:1D-125 et seq., which is commonly known as the Grace Period Law.

(b) The person responsible for any minor violations listed in the table at N.J.A.C. 7:30-11.2 shall achieve compliance within 45 days of the notification of minor violation unless otherwise noted.

(c) A violation shall be designated by the Department as a minor violation if:

1. The violation is not the result of purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
2. The violation poses minimal risk to the public health, safety, and natural resources;
3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
4. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or local government agency;
5. The person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;
6. In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period;
7. In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible; and
8. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department.

(d) Where the Department, or a local county government agency operating under the County Environmental Health Act (CEHA) N.J.S.A. 26:3A2-21 et seq, discovers a violation which is designated as minor in accordance with the table in N.J.A.C. 7:30-11.2 and in accordance with (c) above, it shall issue a notice of violation to the person responsible for the minor violation which:

1. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
2. Notifies the person responsible for the violation that a penalty may be imposed under the Pesticide Control Act and this chapter, as applicable, unless compliance is achieved within the time period provided for the violation as set forth in (a) above.

3. A penalty shall not be assessed for any violation of subchapter 13.

(e) If the person responsible for a minor violation corrects that violation and achieves compliance within the period specified in the notice of violation issued pursuant to this section, the Department shall not seek penalties for the violation.

1. Any person responsible for a violation may be required to submit to the Department written information as to the corrective action taken or compliance achieved, and shall

do so within the prescribed compliance time period provided for the violation in this subchapter.

(f) If the person responsible for the violation fails to achieve compliance within the period of time specified in the notice of violation, the Department may, in accordance with the provisions of the Act or this chapter, impose a penalty which is retroactive to the date the notice of violation was first issued.

1. A penalty shall not be assessed for any violation of subchapter 13.

(g) Persons who commit major violations will not be accorded a grace period and are subject to the penalty provisions of the Pesticide Control Act and this chapter, as applicable.

1. A penalty shall not be assessed for any violation of subchapter 13.

7:30-11.2 Pesticide Control Code violation table

(a) The violations in the table below have been designated as minor or non-minor in accordance with the criteria in N.J.A.C. 7:30-11.1 (c) 2, 3, and 8. In the table, “M” means minor, and “NM” means non-minor. The violation text in the table below is merely a description of a violation and is not intended for use as a guide for regulatory compliance. For the complete text of a rule, refer to the appropriate section and paragraph in this chapter.

<u>Citation</u> (N.J.A.C. 7:30-	<u>Violation</u>	<u>M</u>	<u>NM</u>
2.1(a)	State Unregistered Product	M	
2.1(a)	Federal Unregistered Product		NM
2.1(b)	Failure to register each pesticide product	M	
2.1(c)	At the time of registration, failure to file a statement with the Department with the correct information	M	
2.1(o)	Failure of registrant to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
2.3(a)	Failure to submit required EUP information	M	
2.3(c)	Failure to notify the Pesticide Control Program of specific EUP information		NM
2.5	Failure to allow the Department to enter and inspect		NM
2.6(a)	Failure of the records to contain the required information		NM
2.6(a)	Failure to maintain or submit any records concerning the delivery, movement, or holding of a pesticide		NM
2.7(a)	Failure to meet pesticide label or container specifications		NM
2.7(d)	Detach, alter, deface or destroy, wholly or in part, a pesticide label or labeling		NM
2.7(e)	Add a substance to, or remove a substance from, a pesticide in a manner that may defeat the purpose of the Act or regulations		NM
2.7(f)	Reveal, or use confidential or trade secret information for personal gain		NM
2.7(g)	Refuse access to or to copy records of business transactions involving pesticides		NM
2.7(h)	Registered pesticide label or labeling missing, obscured, altered, etc.		NM
2.7(i)	Use or store a pesticide in a manner that may endanger man or his environment or that may contaminate food, feed, or other products		NM

2.7(j)	Making false or misleading claims through the media relating to the effects of a pesticide, the degree of certification required, or the application methods to be utilized		NM
2.7(k)	Failure of any person to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
2.9(a)	Distribute, sell, offer for sale, purchase, or use an EPA suspended or canceled pesticide		NM
2.9(b)	Use of a tributyl tin (TBT) paint with an unacceptable release rate		NM
2.9(c)	Distribute or use a state suspended or canceled pesticide		NM
3.1(a)	Unregistered pesticide dealer		NM
3.3(e)	Failure to notify the Department of changes in dealer registration information	M	
3.6(a)	Failure to allow entry for inspection, sampling, or collection of records		NM
3.7(a)	Failure to maintain adequate records of sales of restricted use pesticides		NM
3.7(b)	Failure to maintain records of sales for the minimum three year period		NM
3.7(c)	Failure to make records available to the Department upon request		NM
3.8(a)	Failure to require a purchaser to present a valid license		NM
3.8(b)	Failure to conduct a sale under the direct supervision of a licensed dealer		NM
3.8(c)1	Misrepresent the degree of licensing required by the applicator		NM
3.8(c)2	Disseminate misinformation as to the correct use of a pesticide		NM
3.8(d)	Failure to inform a dealer or distributor that a pesticide is restricted use		NM
3.9(a)	Selling a pesticide(s) to an unlicensed person without giving the required information sheet or failing to maintain a record of who is given the information sheet		NM
3.10	Requiring an unlicensed person to distribute restricted use pesticides		NM
3.13	Failure of any person who is a dealer to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
4.1(a)	Unregistered dealer business		NM
4.1(b)	Failure to register each pesticide outlet and/or each name		NM
4.1(f)	Failure of a dealer business to submit names and addresses of all sales persons or agents	M	
4.1(h)	Failure to notify the Department of changes in dealer business registration information	M	
4.1(i)	Failure to post a list of persons to contact in case of a pesticide accident		NM
4.2(a)	Failure to maintain adequate records of sales of restricted use pesticides		NM
4.2(b)	Failure to maintain records of sales for the minimum three year period		NM
4.2(c)	Failure to make records of pesticide sales immediately available to the Department or to medical personnel		NM
4.2(d)	Failure to keep the records of sale for EUP, Section 18, or 24(c) separately from other records of sale		NM
4.3(a)	Failure of a dealer business to require the purchaser to present a valid license		NM
4.3(a)	Selling a restricted use pesticide to an unlicensed person		NM
4.3(b)	Failure to inform a dealer or distributor that a pesticide is restricted use		NM
4.4(a)	Selling a pesticide to an unlicensed person without providing the required information sheet or failing to maintain a record of who is given the information sheet		NM
4.5(a)	Failure to allow entry for inspection, sampling or collection of records		NM
4.6	Requiring an unlicensed person to sell restricted use pesticides		NM

4.8	Failure of any person who is a dealer business to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
5.1(a)	Unlicensed commercial pesticide operator		NM
5.1(d)	A commercial pesticide operator supervised the use of a pesticide		NM
5.3(f)	Failure to notify the Department of a change in registration information	M	
5.3(g)	Failure of the cosigner for an commercial pesticide operator license to notify the Department of changes in registration information	M	
5.3(h)	Failure of a commercial pesticide operator to maintain his license on his person during pesticide application	M	
5.6	Failure to allow entry for inspection, sampling or collection of records		NM
6.1(a)	Unlicensed commercial applicator		NM
6.4(e)	Failure to notify the Department of changes in commercial pesticide applicator license information	M	
6.4(f)	Failure of a commercial pesticide applicator to maintain his license on his person during pesticide application	M	
6.7(a)	Failure to allow entry for inspection, sampling, or collection of records		NM
6.8(a)	Failure of a commercial pesticide applicator to maintain adequate records of pesticide applications		NM
6.8(b)	Failure of a commercial pesticide applicator to maintain a listing of the pesticides applied		NM
6.8(c)	Failure of a commercial pesticide applicator, to maintain records for the minimum time period required		NM
6.8(d)	Failure to make records of pesticide applications immediately available to the Department or medical personnel		NM
6.8(e)	Failure to provide a copy of the application record to a customer upon written request		NM
6.8(f)	Failure to provide an agricultural employer with the information required.		NM
6.8(g)	Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately		NM
6.10	Failure to present a valid license when purchasing a restricted use pesticide		NM
6.11(c)	Failure of the co-signer for a commercial pesticide operator license to notify the Department of changes in the registration information	M	
6.12	Requiring an unlicensed individual to make a pesticide application		NM
6.14	Failure of any person who is a commercial pesticide applicator to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
7.1(a)	Unlicensed applicator business		NM
7.1(c)	Failure to register each place of business or each business name		NM
7.1(d)	Failure of a business to employ at least one commercial pesticide applicator certified and registered in the proper category or subcategory.		NM
7.1(e)	Failure of a business to prominently display the required information on every service vehicle	M	
7.1(f)	Failure of a business to notify the Department of changes in license information	M	
7.1(g)	Failure to pay the required fee for each year the unregistered business was in operation		NM
7.2	Failure to allow entry to inspect, sample, or collect records		NM

7.3(a)	Failure to maintain adequate records of application		NM
7.3(b)	Failure of a commercial pesticide applicator business to maintain adequate required records		NM
7.3(c)	Failure of a business to maintain records of pesticide application for the minimum time period		NM
7.3(d)	Failure to make records application immediately available to the Department or medical personnel		NM
7.3(e)	Failure of a business to provide a customer with a copy of the application record upon request		NM
7.3(f)	Failure to provide an agricultural employer with the information required		NM
7.3(g)	Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately		NM
7.4(a)	No proof of insurance		NM
7.5	Requiring an unlicensed individual to make a pesticide application		NM
7.9	Failure of any person who is a commercial pesticide applicator business to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
8.1(a)	Unlicensed private applicator		NM
8.3(d)	Failure of a private pesticide applicator to notify the Department of changes in license information	M	
8.7(a)	Failure to allow entry for inspection, sampling or collection of records.		NM
8.8(a)	Failure to maintain adequate records of pesticide applications		NM
8.8(b)	Failure of a private pesticide applicator to maintain adequate required records		NM
8.8(c)	Failure of a private pesticide applicator to maintain application records for the minimum of three years		NM
8.8(d)	Failure to make records application immediately available to the Department or to medical personnel		NM
8.8(f)	Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately		NM
8.9	Failure to present a valid license when purchasing a restricted use pesticide		NM
8.10	Requiring an unlicensed individual or untrained handler to apply pesticides		NM
8.14	Failure of any person who is a private pesticide applicator to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
9.2(a)	Failure to obtain a Mosquito/Fly permit prior to the application		NM
9.2(f)	Failure to coordinate a community or area wide mosquito control program with the county agency		NM
9.3(a)	Failure to obtain an aquatic pesticide permit		NM
9.3(c)2	Failure to provide the Department with the information required as a condition for evaluation/approval of the aquatic pesticide application	M	
9.3(c)3	Failure to submit the requested report as a condition for aquatic pesticide permit approval	M	
9.3(c)4	Failure to notify the Department of a change in an aquatic pesticide application and failure to obtain approval prior to the application		NM
9.3(e)	Failure to fulfill all conditions of aquatic use permit		NM
9.3(j)	Failure to conform to the recordkeeping requirements of the "Record of Actual Treatment" (BPO-03 and BPO-06)		NM
9.4(a)	Failure to comply with notification provisions		NM

9.4(b)	Failure to provide label and/or exact treatment date		NM
9.4(c)	Failure to post or inadequate posting		NM
9.4(d)	Failure to notify specific aquatic users		NM
9.4(e)	Failure to comply with Community & Area wide notification		NM
9.5(a)	Storing a restricted use pesticide; not posted with a warning sign.		NM
9.5(a)	Failure to store a restricted use pesticide properly		NM
9.5(b)	Failure to maintain, or send the list of pesticides stored (and a written description or diagram depicting the exact location) to the local fire company with cover letter		NM
9.5(c)	Failure to properly store a restricted use pesticide in a building used as a private residence		NM
9.5(d)	Failure to properly store a restricted use pesticide in a commercial building or institution		NM
9.5(e)	Storing a restricted use fumigant in a multi-family private residence, or multi-unit commercial establishment or institutions		NM
9.5(f)	Failure to comply with service vehicle requirements		NM
9.5(g)	Storage of a pesticide near food or animal feed		NM
9.5(h)	Failure of any person who stores or displays any pesticide to have equipment immediately available for spill response and clean up.		NM
9.6(a)	EPA registered label is missing, obscured, altered, or unreadable		NM
9.6(b)	Failure to comply with service container requirements		NM
9.6(c)	Placing or keeping a pesticide in a container commonly used for food, drink, or household products		NM
9.6(d)	Failure to conform to the requirements of the Federal Container and Containment regulations, as incorporated by reference		NM
9.7(a)	Disposal of a pesticide in a manner that caused harm or injury to persons or the environment		NM
9.8(a)	Failed to immediately contain, cover, or remove a pesticide spill		NM
9.8(c)	Failure of responsible persons to immediately notify the Department of a spill or incident		NM
9.8(d)	Failure to dispose of any pesticide released as a result of an emergency, in accordance with a Department approved plan		NM
9.8(e)	The written plan for disposal failed to satisfy the Department	M	
9.9(a)	Failure to properly maintain the application equipment		NM
9.9(b)	Failure to properly calibrate the application equipment		NM
9.9(c)	Failure to supply safety equipment in good working order and train employees in its proper use		NM
9.9(d)	Failure to wear the appropriate safety equipment while mixing or loading 2,4-D		NM
9.10(a)	Failure to provide community or area wide notification		NM
9.11(a)	Failure to provide beekeeper notification		NM
9.11(b)	Failure to provide all beekeeper notification information required		NM
9.11(h)	Failure to provide updated notification the night prior to the new application date		NM
9.11(j)	Perform a community or area wide application on hardwood tree species within one mile of a commercial blueberry field during the period April 15 through May 31.		NM
9.12(b)1	Failure to provide a Consumer Information Notice to a single family resident		NM

9.12(b)2	Failure to provide the specific date of pesticide application or copies of labels upon request		NM
9.12(c)1	Failure to post a decal notice in each unit prior to the start of the application		NM
9.12(c)2	Failure to post the decal prominently in the appropriate location		NM
9.12(c)3	Failure to provide a copy of all information required in N.J.A.C. 7:30-9.11(b)4.i.-ix upon request		NM
9.12(c)5	Failure to provide prior notification of the specific date of application upon request by the tenant or resident.		NM
9.12(d)1	Failure to properly notify at institutions, commercial or public buildings		NM
9.12(d)2	Failure to provide prior notification of the specific date of application or a copy of the labels of pesticides upon request		NM
9.12(d)3	Failure to post notification information in the institution, commercial or public building		NM
9.12(d)4	Failure to post and maintain appropriate notification sign in a large public place		NM
9.12(e)	Failure to properly notify adjoining residents when using aerosols or fogs		NM
9.13(b)1	Failure to post the proper signs when making turf and/or ornamental applications		NM
9.13(b)2	Failure to provide a Consumer Information Notice		NM
9.13(b)3	Failure to provide prior notification of the specific date of the pesticide application upon request		NM
9.13(c)1	Failure to post the proper signs at a multi-family residence, industrial or commercial building		NM
9.13(c)2	Failure to provide a Consumer Information Notice at a multi-family residence industrial or commercial building		NM
9.13(c)3	Failure to provide the specific date of pesticide application upon request		NM
9.13(d)1	Failure to post proper notification signs at a golf course		NM
9.13(d)1ii	Failure to make the necessary changes to the required notification information on the signs at the starting tees.		NM
9.13(d)2	Failure to supply information requested by any person in writing		NM
9.13(d)3	Failure to supply notification information to the residents pursuant to 9.13(a)2., and post pursuant to 9.13(a)1		NM
9.13(d)4	Failure to post treated areas not part of the actual playing course pursuant to 9.13(a)1.		NM
9.13(e)1-6	Failure to post properly at a school, institution, park, or similar site		NM
9.13(e)7	Failure to provide a Consumer Information Notice to contracting party		NM
9.14	School notification concepts. Actual citations will be supplied in the proposal		NM
9.15(a)	Failure to give notification when requested or under conditions which indicated that notification was necessary		NM
9.15(b)	Failure to give notification or take reasonable precautions before application may commence		NM
9.16	Failure to comply with or inadequate general agricultural notification		NM
9.17(a)	Failure to notify the Department of a reportable pesticide spill		NM
9.17(b)	Failure to immediately report a spill by telephone to the Department Hotline, and file a written report within 10 days		NM
10.2(a)	Pesticide label violation		NM
10.2(b)	Transporting, handling, storing, mixing or loading a pesticide that caused harm injury or damage or risk		NM

10.2(c)	Applying a pesticide that causes harm, injury or damage or risk		NM
10.2(d)	Directly applying a pesticide to a non-target site		NM
10.2(e)	Applying a pesticide without taking reasonable precautions, before, during and after the application		NM
10.2(f)	Drift or other movement of a pesticide to a non-target site		NM
10.2(g)	Cleaning or rinsing container or application equipment in a manner that caused harm, damage or injury, or risk		NM
10.2(h)	Failure to have back-flow prevention		NM
10.2(i)	Failure to have the label for the pesticide at the application or mixing site		NM
10.2(j)	Applying a pesticide when people were within the boundaries of the target site to which the pesticide was applied		NM
10.2(k)	Performing a community or area wide pesticide application for gypsy moth control during normal student commuting times		NM
10.2(l)	Failure to have a properly licensed applicator present at a fumigation location for the duration of the application		NM
10.2(m)	Application of a pesticide containing diazinon to a sod farm, golf course, or other turf areas greater than three acres.		NM
10.2(n)	Applying a pesticide in or around a day care facility during normal operating hours where children would contact treated areas.		NM
10.2(o)1	Application of a TBT antifoulant paint outside of a commercial boat yard.		NM
10.2(o)2	Application of a TBT antifoulant paint to a vessel which did not exceed 25 meters (82.02 feet) in length and/or which did not have an aluminum hull.		NM
10.2(p)	Pinelands use restriction		NM
10.3(a)	Failure to use tamper-resistant bait boxes when needed		NM
10.3(b)	Failure to properly label a bait box		NM
10.3(b)	Failure to secure bait box when necessary		NM
10.3(d)	Failure to remove all accessible bait		NM
10.4(a)	Failure to have licensed applicator on site for termite application		NM
10.4(b)	Failure to pressure test termite application equipment		NM
10.4(c)	Failure to have a properly operating pressure gauge		NM
10.4(d)	Cite 10.2(h)		NM
10.4(e)	Failure to properly route hoses through a structure		NM
10.4(g)1	Failure to follow termiticide restrictions for hollow block, brick, or tile foundation		NM
10.4(g)2	Failure to follow termiticide restrictions for rubble/stone foundations		NM
10.4(h)	Failure to follow termiticide restrictions for basement floors		NM
10.4(i)	Failure to follow termiticide restrictions for crawlspaces		NM
10.4(i)3	Failure to follow termiticide restrictions for plenum crawlspaces		NM
10.4(j)	Failure to follow termiticide restrictions for inaccessible spaces.		NM
10.4(k)	Failure to follow termiticide restrictions for slabs		NM
10.4(m)1	Failure to follow termiticide restrictions for wells		NM
10.4(n)	Failure to follow retreatment restrictions		NM
10.4(p)	Failure to provide proper notification for termiticide treatment		NM
10.4(r)	Failed to keep a proper diagram of the structure treated		NM
10.5	Organochlorine restrictions		NM
10.6(b)	Failure of a pilot to learn and confirm: <ol style="list-style-type: none"> 1. The boundaries and exact location of the target area. 2. The identity of non-target area and safety hazards 		NM

10.6(c)	Failure to thoroughly rinse spray and spreading equipment after each application		NM
10.6(d)	Failure to maintain proof of proper calibration of aerial application equipment		NM
10.6(d)	Failure to provide proof of calibration of application equipment to the Department upon request		NM
10.6(d)	Failure to properly calibrate application equipment		NM
10.6(i)	Failure to have spray or spreading equipment free of leaks and/or have a positive shutoff system		NM
10.6(j)	The shape of the tank or hopper of the spray or spreading equipment did not allow for complete drainage		NM
10.6(l)	Aerially releasing a pesticide more than 15 feet above the target, or more than 50 feet above a forest and/or trees		NM
10.6(m)	Aerially releasing a pesticide formulated as dry granules or pellets more than 40 feet above the target		NM
10.6(o)	The application site of less than three acres was not part of a larger property or contiguous properties that together totaled more than three acres		NM
10.6(o)	Failure to obtain the required information for the consent agreement	M	
10.6(o)	Failure to obtain consent for aerial application		NM
10.6(p)	Making an aerial pesticide application to a field which was not part of a larger field of 3 or more acres		NM
10.6(q)	Failure to follow buffer zone restrictions for aerial applications		NM
10.6(r)	Directly applying a pesticide by aircraft to a right-of-way of a public road which was not included in the target site		NM
10.6(s)	Depositing a pesticide by aircraft within 100 feet of a private residence without obtaining written consent or without including required information		NM
10.6(s)4ii	Failure to maintain copies of consent agreements obtained		NM
10.6(s)4iii	Failure to provide a copy of a consent agreement to the Department upon request		NM
10.6(t)	Aerially applied a broad-spectrum pesticide for non-agricultural purposes.		NM
10.6(u)	Failed to petition the Department for approval to use a broad-spectrum pesticide		NM
10.6(v)	Failed to inform the Department of the application and provide justification		NM
10.6(w)	Failed to request a waiver from the provisions of 9.10		NM
10.6(x)	Applied a pesticide by aerial application equipment, without the pesticide being specifically labeled for aerial application		NM
10.7(a)	Failure to conduct a clean up		NM
10.7(b)	Failure to notify the Department that a clean up had been completed and/or failure to provide analytical results		NM
10.9(a)	Failure to submit to the Department the required information regarding pesticide use	M	
10.9(b)	Failure to provide additional information relating a specific pesticide or type of pesticide requested by the Department		NM
12.1(a)	Failure of an agricultural employer or the handler employer to meet the requirements of this section		NM

12.1(b)	Preventing, discouraging or taking retaliatory action for attempts made by any worker or handler from complying or attempting to comply with any of the requirements of this subchapter		NM
12.3(a)	Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area		NM
12.3(b)	During a pesticide application in a nursery, allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the entry-restricted area		NM
12.3(c)1	Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or remain in a greenhouse prohibited area prior to the inhalation exposure level the labeling requires is achieved or ventilation criteria is met		NM
12.3(c)2	Allowing or directing a worker to enter a greenhouse restricted-entry area before the restricted-entry interval expires		NM
12.3(c)3	Failure to achieve inhalation exposure requirements in a greenhouse as indicated on the pesticide label		NM
12.4(a)	Allowing or directing a worker to enter or remain in the treated area before the restricted-entry interval expires		NM
12.4(a)3	Failing to assure that any worker who enters a treated area under a restricted-entry interval uses the personal protective equipment specified in the product labeling		NM
12.5(a)1	Failure of an agricultural employer to notify workers of any pesticide application in a greenhouse by posting		NM
12.5(a)2	Failure of an agricultural employer to notify workers of a pesticide application in a greenhouse by posting and oral notification when necessary		NM
12.5(b)1	Failure of an agricultural employer to notify workers of any pesticide application on a farm, nursery or forest, by posting and by oral notification when necessary		NM
12.5(b)2	Failure of an agricultural employer to inform workers of which method of notification is in effect		NM
12.5(b)2	Failure of an agricultural employer to notify workers of a pesticide application on a farm, in a nursery or a forest either orally or by posting		NM
12.5(c)	Failure of an agricultural employer to properly post warning signs		NM
12.5(d)	Failure of an agricultural employer to provide oral warnings to workers		NM
12.6(a)	Failure of an agricultural employer to display specific information about a pesticide		NM
12.6(b)	Failure of an agricultural employer to display information about a pesticide application in the proper location		NM
12.6(c)	Failure to post specific information about a pesticide application at the correct time or for the correct duration		NM
12.6(d)	Failure of an agricultural employer to display specific information about a pesticide		NM
12.6(e)	Failure to keep an approved fact sheet on file and make it readily available to the workers in a language they understand		NM
12.7(a)	Failure of an agricultural employer to provide to a handler employer specific information about treated areas		NM
12.8(a)	Failure of the agricultural employer to assure that each worker has been trained properly		NM

12.8(b)	Failure of an agricultural employer to assure that a worker has been trained before a worker enters a treated area		NM
12.8(c)	Failure of the agricultural employer to assure that the worker has been provided necessary pesticide safety information		NM
12.8(c)1	Failure of the agricultural employer to train workers prior to the sixth day that the workers enter any areas treated within the last 30 days		NM
12.8(e)	Failure to provide the required pesticide safety information to workers or failure to provide the information in a manner that the workers can understand		NM
12.8(f)	Failure to present pesticide safety information to workers either orally or audiovisually in a manner they can understand		NM
12.8(f)1	The person conducting the worker training failed to meet the criteria		NM
12.8(f)2	Failure to assure that a worker who received a card had been trained		NM
12.8(f)3	The training materials did not convey the required information		NM
12.8(i)	Failure to provide educational pamphlets		NM
12.8(n)	Failure to cease training during the time period for which trainer recognition has been revoked or suspended		NM
12.8(q)	Failure of a trainer to keep a training roster for each worker or handler trained in New Jersey		NM
12.8(r)	Failure to maintain all training rosters for a minimum of five years		NM
12.8(s)	Failure to provide all training rosters immediately upon request by the Department		NM
12.8(t)	Failure to send a list of all workers trained to the Department	M	
12.9(a)	Failure of an agricultural employer to display pesticide safety information when required		NM
12.9(b)	Failure to display a safety poster that conveys, at a minimum, the required basic concepts		NM
12.9(c)	Failure to display emergency medical care information		NM
12.9(c)1	Failure of the agricultural employer to inform workers promptly of any changes to the emergency medical care information		NM
12.9(d)	Failure to post safety information in the proper location		NM
12.9(e)	Failure to inform workers of the location of the safety poster or allow access to the information		NM
12.9(f)	Failure to assure that safety poster information remained legible		NM
12.10(a)	Failure of an agricultural employer to provide a decontamination site		NM
12.10(b)	Failure of the agricultural employer to provide workers with enough water of required quality for routine washing and emergency eye flushing		NM
12.10(b)1	Failure to equip a water tank with properly functioning valves that prevent movement of pesticides into the tank, when necessary		NM
12.10(b)2	Failure of the agricultural employer to provide sufficient soap and single-use towels at each decontamination site		NM
12.10(b)3	Failure of the agricultural employer to provide sufficient water when labeling requires protective eyewear		NM
12.10(c)	Failure to place the decontamination site at the same site as the portable toilet or make it reasonably accessible to workers		NM
12.10(c)2	Placing the decontamination site in an area being treated with pesticides		NM

12.10(c)3	Placing the decontamination site in an area that is under a restricted-entry interval, where the workers for whom the site is provided were not performing early-entry activities		NM
12.10(d)	Failure of the agricultural employer to provide early-entry workers soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly		NM
12.11(a)1	Failure of an agricultural employer to provide emergency medical transportation		NM
12.11(a)2	Failure of an agricultural employer to provide information in a medical emergency		NM
12.13(a)	Allow pesticide drift onto anyone other than an appropriately trained and equipped handler		NM
12.13(b)	Failure of the handler employer to assure that a handler is monitored visually or by voice communication at least every 2 hours when required		NM
12.13(c)	Failure of the handler employer to assure that a handler maintains continuous visual or voice contact with another handler when required, and that there is immediate access to the necessary PPE		NM
12.14(a)	Failure of an agricultural employer to display specific information when required		NM
12.14(b)	Failure to display specific information about pesticides for pesticide handlers in the correct location or in the correct manner		NM
12.14(c)	When warning signs are posted for the treated area before an application, failure to post the specific application information for that application at the same time or earlier.		NM
12.14(c)1	Failure to post specific application information at the correct time or for the correct duration		NM
12.14(d)	Failure to post the required information for a pesticide application for the benefit of handlers		NM
12.14(e)1	Failure to keep an approved fact sheet on file and made readily available to the handlers in a language they understand		NM
12.15(a)	Failure of a handler employer, commercial pesticide applicator and/or pesticide applicator business to notify the agricultural employer, owner or lessee responsible for the field being treated of the required information before the application was made		NM
12.16(a)	Failure to train a handler		NM
12.16(c)	Failure to present pesticide safety information either orally or audiovisually in a manner that the handlers can understand		NM
12.16(c)1	Failure of a person conducting handler training to meet the required criteria		NM
12.16(c)2	Failure to assure that a handler who received a verification card was trained		NM
12.16(c)3	The materials used to train handlers did not convey the required minimum information		NM
12.16(f)	Failure to annually provide educational pamphlets as required		NM
12.16(k)	Training handlers or workers during the time period for which trainer recognition has been suspended or revoked		NM
12.16(n)	Failure of a handler trainer to keep a training roster for each handler or worker trained		NM
12.16(o)	Failure to maintain all handler training rosters for a minimum of five years		NM

12.16(p)	Failure to provide all handler training rosters immediately upon request by the Department		NM
12.16(q)	Failure to send a list of all handlers and workers trained to the Department	M	
12.17(a)	Failure of the handler employer to assure that the handler either read the product labeling or had been informed of necessary labeling requirements		NM
12.17(a)1	Failure of the handler employer to assure that the handler has access to the product labeling information during handling activities		NM
12.17(b)	Failure of a handler employer to assure that a handler is aware of the required information concerning any pesticide treated areas		NM
12.18(a)	Failure of the handler employer to assure that a handler is instructed in the safe operation of equipment, including, when relevant, chemigation safety requirements and drift avoidance		NM
12.18(b)	Failure of the handler employer to assure that equipment is in good working order		NM
12.18(c)	Failure of the handler employer to assure that pesticide residues have been removed from equipment before allowing any person to repair, clean, or adjust the equipment, or the person is informed of appropriate safety precautions		NM
12.19(a)	Failure of a handler employer to display pesticide safety information for handlers who are not employed by a commercial handling establishment		NM
12.19(b)	Failure of a handler employer to display a safety poster that conveys, at a minimum, the required basic pesticide safety concepts		NM
12.19(c)	Failure of a handler employer to display emergency medical care information		NM
12.19(c)1	Failure of a handler employer to inform handlers promptly of any change to the information on emergency medical care		NM
12.19(d)	Failure of a handler employer to display safety information in a central location where it can be readily seen and read by handlers		NM
12.19(e)	Failure of a handler employer to inform handlers of the location of, or allow access to, the information concerning emergency medical care facilities		NM
12.19(f)	Information concerning emergency medical care facilities was not legible during the time it was posted		NM
12.20(a)	Failure of a handler to use the clothing and PPE specified on the labeling for the use of the product while performing pesticide handler tasks		NM
12.20(c)	Failure of the handler employer to provide appropriate PPE to the handler when required		NM
12.20(d)	Failure to follow conditions for exception to PPE requirements		NM
12.20(e)	Failure of a handler employer to assure that PPE is used correctly and maintained properly		NM
12.20(f)	Failure of handler employer to assure that all PPE is cleaned, maintained, stored, disposed, or used according to the manufacturer's instructions, pesticide label, or regulations		NM
12.20(g)	Failure of a handler employer to take appropriate measures, if necessary, to prevent heat-related illness		NM
12.21(a)	Failure of a handler employer to provide a decontamination site		NM
12.21(b)	Failure of a handler employer to provide water for routine washing, for emergency eye flushing, and for washing the entire body in case of an emergency		NM

12.21(b)	Failure of the handler employer to assure that water was of a quality and temperature that did not cause illness or injury when it contacted the skin or eyes, or if swallowed		NM
12.21(b)	Failure to equip a water tank with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank, when necessary		NM
12.21(b)	Failure of a handler employer to provide sufficient soap and single-use towels, and a change of clothing, at each decontamination site		NM
12.21(c)	Failure of a handler employer to provide a decontamination site and/or provide it at the required location		NM
12.21(c)3	Failure of a handler employer to provide soap, single-use towels, and water at the location required		NM
12.21(d)	Failure of a handler employer to assure that at least 1 pint of water is immediately available to each handler when required		NM
12.21(e)	Failure of a handler employer to provide, at the site where handlers remove PPE, soap, clean towels, and a sufficient amount of water		NM
12.22(a)	Failure to provide a handler with transportation, or provide medical personnel with required information in a medical emergency involving pesticides		NM
13.1(b)	Failure to adopt and implement a school IPM Policy.		NM
13.2(a)	Failure of a school to develop and implement an IPM Plan pursuant to its Policy.		NM
13.2(b)	Failure of a school to use IPM methods in its pest control program.		NM
13.2(c)	Failure to provide information to students and parents or guardians on how they can contribute to the success of IPM.	M	
13.2(d)	Failure of the schools to report annually to respective governing boards on the effectiveness of the IPM Plan and recommend improvements as needed.	M	
13.3(a)	Failure of a school to designate an IPM Coordinator.		NM
13.3(a)1.i.-v.	Failure of an IPM Coordinator to implement the IPM Plan, maintain the required information about the IPM Policy and Plan, act as a contact for inquiries, maintain material safety data sheets and labels, and to ensure that commercial pesticide applicators on school property are in compliance with applicable rules.		NM
13.3(b)	Failure of an IPM Coordinator to obtain training sufficient to implement an IPM Policy and Plan.		NM
13.3(c)	Failure of an IPM Coordinator to submit the required information.		
13.4(a)	Failure of a school to maintain pesticide application records, or make them available upon request.		NM
13.4(b)	Failure of a school to maintain pest surveillance data and other non-pesticide related records.		NM
13.5(a)	Failure of a school to provide annual notification of the IPM Policy.		NM
13.5(b)	Failure of a school to provide the annual notice to new staff members or parents or guardians of new students.		NM
13.6(b)	Failure of a school to provide notification 72 hours before the use of a pesticide other than a low impact pesticide.		NM
13.6(d)	Failure of a school to reissue required notification when a pesticide application has been rescheduled.		NM
13.6(e)	Failure of a school to meet the requirements of posted notification signs.		NM

13.6(f)	Failure of a school to include on the posted sign three dates in chronological order on which the pesticide application may take place.		NM
13.7(b)	Failure of a school to provide notice of an emergency application of pesticides.		NM
13.7(c)	Failure of a school to post notification signs for an emergency application of pesticides.		NM
13.7(e)	Failure of a school to modify its IPM Plan in response to an emergency application of pesticides.		NM
13.8(a)	Failure to comply with re-entry requirements for a pesticide application.		NM
13.8(b)	Application of a pesticide other than a low impact pesticide when students are present.		NM
13.8(c)	Failure to comply with re-entry requirements for low impact pesticides.		NM