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SUBCHAPTER 12. AGRICULTURAL WORKER PROTECTION

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;
 4. **Provide to each person, including any labor contractor, who supervises any worker or handler sufficient information and direction to ensure that the worker or handler can comply with the provisions of this subchapter and receives the protection required by this subchapter. The information shall include the tasks for which the supervisor is responsible under this subchapter;**
 5. **Require each person, including any labor contractor, who supervises any worker or handler to provide sufficient information and direction to each worker and handler to ensure that the worker or handler can comply with the provisions of this subchapter;**
 6. **When the pesticide labeling provides directions for use or other requirements that are inconsistent with the Worker Protection Standard, 40 CFR Part 170, incorporated herein by reference, as supplemented or amended, or this subchapter, the use shall comply with the pesticide labeling, except as provided at N.J.A.C. 7:30-12.2(c), 12.4(b), (c), and (d), and 12.20(d); and**
 7. **Ensure that any handler and any early entry worker is at least 18 years old.**
- (b) **A person is liable for violations of this subchapter if another person employed by or acting for that person violates any provision of this subchapter. The term "acting for" includes both employment and contractual relationships, including, but not limited to, a relationship with a labor contractor.**
- (c) **No agricultural employer, commercial pesticide handler employer, or other person involved in the use of a pesticide to which this subchapter applies, shall intimidate, threaten, coerce, or discriminate against any worker or handler for:**
1. **Complying with, or attempting to comply with, this subchapter;**
 2. **Providing, causing to be provided, or being about to provide information to the employer, the EPA, or any duly authorized representative of the Federal, state, or Tribal government regarding conduct that the worker or handler reasonably believes violates this subchapter;**
 3. **Making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing concerning compliance with this subchapter; or**
 4. **Objecting to, or refusing to participate in, any activity, policy, practice, or assigned task that the worker or handler reasonably believed to be in violation of this subchapter.**

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(d) If any requirement of the Worker Protection Standard, 40 CFR Part 170, is more stringent than the requirements of this subchapter, the more stringent requirement at 40 CFR Part 170 shall prevail.

7:30-12.2 Standard for workers

(a) Except as provided by (b) and (c) below, this subchapter applies when any pesticide product bearing a label requiring compliance with the Worker Protection Standard, 40 CFR Part 170, is used on an agricultural establishment.

(b) This subchapter does not apply when any pesticide bearing a label requiring compliance with the Worker Protection Standard, 40 CFR Part 170, is applied to an agricultural establishment in the following circumstances:

1. As part of government-sponsored public pest control programs over which the owner, agricultural employer, and handler employer have no control, such as mosquito abatement, Mediterranean fruit fly eradication, or similar community or area-wide public pest control programs;
2. On livestock or other animals, or in or about animal premises;
3. On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses;
4. On plants other than agricultural plants, which may include plants in home fruit and vegetable gardens and home greenhouses, and permanent plantings for ornamental purposes, such as plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification;
5. On pasture and rangeland where the forage will not be harvested for hay;
6. In a manner not directly related to the production of agricultural plants, or animals, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas;
7. For control of vertebrate pests, unless the control is directly related to the production of an agricultural plant;
8. As attractants or repellents in traps;
9. On the harvested portions of agricultural plants or on harvested timber; or
10. For research uses of unregistered pesticides.

(c) The following exemptions to this subchapter apply:

1. On any agricultural establishment where a majority of the establishment is owned by one or more members of the same immediate family, the owner is not required to provide to himself or herself or members of his or her immediate family who are performing tasks related to the production of agricultural plants the protections identified in:
 - i. N.J.A.C. 7:30-12.4(a)5, 6 and 7;
 - ii. N.J.A.C. 7:30-12.4(c)5, 6, 7, and 8;
 - iii. N.J.A.C. 7:30-12.5;
 - iv. N.J.A.C. 7:30-12.6;
 - v. N.J.A.C. 7:30-12.8;
 - vi. N.J.A.C. 7:30-12.9;

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- vii. N.J.A.C. 7:30-12.10; and
- viii. N.J.A.C. 7:30-12.11.
- 2. The owner of an agricultural establishment shall provide **all of the applicable** protections required by this subchapter to other workers and other persons who are not members of his or her immediate family.
- 3. Provided that the conditions of (c)3ii below are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by the Department, Pesticide Control Program, EPA, or another state or Tribal lead agency for pesticide enforcement are exempt from the provisions of N.J.A.C. 7:30-12.10 and 12.11.
 - i. **A certified or licensed crop advisor may determine what personal protective equipment is appropriate for a person entering into a treated area during a restricted-entry interval and may substitute that personal protective equipment for the personal protective equipment that the pesticide labeling identifies as required.**
 - ii. Conditions of **the crop advisor exemption in (c)3i above** are as follows:
 - (1) The certification or licensing program requires pesticide safety training that includes, at least, all the information in N.J.A.C. 7:30-12.16(c)3.
 - (2) The exemption applies only when performing crop advising tasks in the treated area.
 - iii. **An employer of a crop advisor shall provide all protection that this subchapter requires to any crop advisor employee who is performing the duties of a crop advisor but is not a licensed or certified crop advisor.**

7:30-12.3 Entry restrictions associated with pesticide applications

(a) During the application of any pesticide **for outdoor production**, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler **involved in the application**, to enter or to remain in the treated area **or in an application exclusion zone that is within the boundaries of the establishment until the application is complete. The application exclusion zone is:**

- 1. **The area that extends 100 feet horizontally from the application equipment in all directions during application, when the pesticide is applied by any of the following methods:**
 - i. **Aerially;**
 - ii. **Air blast application;**
 - iii. **As a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns); or**
 - iv. **As a fumigant, smoke, mist, or fog;**
- 2. **The area that extends 25 feet horizontally from the application equipment in all directions during application when the pesticide is applied by a method other than in (a)1 above and is sprayed from a height of greater than 12 inches from the planting medium using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater); and**
- 3. **There is no application exclusion zone when the pesticide is applied in a manner other than as described in (a)1 and 2 above.**

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- (b) The following apply to pesticide application in **an area of enclosed space production**:
1. When a pesticide application of the type described in column A of Table 1 of this subsection takes place in **an area of enclosed space production**, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or remain in the area specified in column B of Table 1 until the time specified in column C of Table 1 has expired.
 2. After the time specified in column C of Table 1 under this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 1 under this subsection, except as provided for in section N.J.A.C. 7:30-12.2.
 3. When column C of Table 1 of this subsection specifies that ventilation criteria **shall** be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the **pesticide** labeling requires to be achieved. If no inhalation exposure level is listed on the **pesticide** labeling, ventilation shall continue until after **one of the following conditions is met**:
 - i. Ten air exchanges are completed;
 - ii. Two hours of ventilation using fans or other mechanical ventilating systems;
 - iii. Four hours of ventilation using vents, windows or other passive ventilation;
 - iv. Eleven hours with no ventilation followed by one hour of mechanical ventilation;
 - v. Eleven hours of ventilation followed by two hours of passive ventilation; or
 - vi. Twenty four hours with no ventilation.
 4. The following Table 1 applies to (b)1, 2, and 3 above.

TABLE 1

Entry Restrictions **During Pesticide Application in an Area of Enclosed Space Production**

A. When a Pesticide is Applied:	B. Workers and Persons, Other than Appropriately Trained and Equipped Handlers, are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Restricted-Entry Area Is:
1. As a fumigant	Entire area of enclosed space production plus any adjacent structure or area that cannot be sealed off from the treatment area	The ventilation criteria of (b)3 above are met	No post-application entry restrictions after criteria in column C are met
2. As a: i. Smoke; ii. Mist; iii. Fog; or	Entire enclosed space	The ventilation criteria of (b)3 above are met	Treated area

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iv. As a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns)			
3. Not as in 1 or 2 above, and for which a respiratory protection device is required for application by the pesticide labeling	Entire enclosed space	The ventilation criteria of (b)3 above are met	Treated area
4. Not as in 1, 2, or 3 above and: i. From a height of greater than 12 inches from the planting medium; or ii. As a spray using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater)	Treated area plus 25 feet in all directions in the treated area, but not outside the area of enclosed space production	Application is complete	Treated area
5. Otherwise	Treated area	Application is complete	Treated area

7:30-12.4 Worker entry restrictions

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired and all treated area warning signs have been removed or covered, except as provided in this section.

1. Entry restricted areas in enclosed space production are specified in column D in Table 1, N.J.A.C. 7:30-12.3(b)4.
2. When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.
3. The agricultural employer shall ensure that any worker who enters a treated area under a restricted-entry interval as permitted in (c), (d), and (e) below is provided with, and uses the personal protective equipment (PPE) specified in the pesticide labeling for early-entry workers as intended according to the manufacturer's instructions, and that the worker follows any other requirements on the pesticide labeling regarding early entry.
 - i. The PPE shall conform to the standards in (c)4 below.

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- ii. The PPE shall be maintained in accordance with (c)6 below.
 - iii. If the labeling of the pesticide to be applied states that protective eyewear is required, the agricultural employer shall provide at least one pint of water per worker in portable containers for eyeflushing. The water shall be immediately available to each worker who is performing early-entry activities.
 - iv. At the end of any early-entry activities the agricultural employer shall provide soap, single-use towels, and at least three gallons of water per worker at the site where the worker removes PPE, so that the worker may wash thoroughly.
 - 4. The agricultural employer shall ensure that each worker is at least 18 years old.
 - 5. Prior to early entry, the agricultural employer shall provide to each early-entry worker the information in (a)5i through viii below. The information shall be provided orally in a manner that the worker can understand.
 - i. Location of the early-entry area where work activities are to be performed.
 - ii. Pesticide(s) applied.
 - iii. Dates and times that the restricted-entry interval begins and ends.
 - iv. Which exception in (b) through (e) below is the basis for the early entry, and a description of tasks that may be performed under the exception.
 - v. Whether contact with treated surfaces is permitted under the exception.
 - vi. Amount of time the worker is allowed to remain in the treated area.
 - vii. PPE required by the pesticide labeling for early entry.
 - viii. Location of the pesticide safety information required by N.J.A.C. 7:30-12.6 and 12.9, and the location of the decontamination supplies required by N.J.A.C. 7:30-12.10.
 - 6. Prior to early entry, the agricultural employer shall ensure that each worker either has read the applicable pesticide labeling or has been informed, in a manner that the worker can understand, of all labeling requirements and statements related to human hazards or precautions, first aid, and user safety.
 - 7. The agricultural employer shall ensure that no worker is allowed or directed to wear PPE without first implementing measures sufficient to prevent heat-related illness, and that each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.
- (b) A worker may enter a treated area during a restricted-entry interval if the agricultural employer **ensures** that both of the following conditions are met:
- 1. The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants. **This condition does not allow a worker to perform any activity that involves contact with treated surfaces even if the worker is wearing PPE.**
 - 2. No such entry is allowed until any inhalation exposure level listed in the **pesticide** labeling has been reached or any ventilation criteria established by N.J.A.C. 7:30-12.3(b)3 or in the **pesticide** labeling have been met.
- (c) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer **ensures** that the following requirements are met:

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1. No hand labor activity is performed;
2. The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any 24 hour period;
3. No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the **pesticide** labeling has been reached or any ventilation criteria established by N.J.A.C. 7:30-12.3(b)3 or in the **pesticide** labeling have been met;
4. The PPE specified on the **pesticide** labeling for early entry is provided to the worker. Such PPE shall conform to the following standards:
 - i. PPE means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.
 - ii. Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, **and** socks are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although such work clothing **shall** be worn **if required by the pesticide labeling**.
 - iii. When "chemical-resistant" PPE is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.
 - iv. When "waterproof" PPE is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.
 - v. When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose fitting, one or two piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.
 - vi. When "coveralls" are specified by the **pesticide** labeling, they shall be a loose fitting, one or two piece garment that cover, at a minimum, the entire body except head, hands, and feet. **A chemical-resistant suit may be substituted for coveralls and a chemical-resistant apron. If a chemical-resistant suit is substituted for coveralls, any labeling requirement for an additional layer of clothing beneath the coveralls is waived.**
 - vii. Gloves shall be of the type specified by the **pesticide** labeling. Gloves made of leather, cotton, or other **absorbent** materials shall not be worn for early-entry activities unless these materials are listed on the **pesticide** labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, **then during activities with** plants with sharp thorns, leather gloves may be worn **over chemical-resistant glove liners. However, once leather gloves are worn** for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.
 - (1) **Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings, made of lightweight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be**

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- glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with nonseparable absorbent lining materials are prohibited.
- (2) If used, separable glove liners shall be discarded immediately after a total of no more than 10 hours of use or within 24 hours of when they are first put on, whichever comes first. The liners shall be replaced immediately if they come in direct contact with a pesticide. Used glove liners shall not be reused. Contaminated liners shall be disposed of in accordance with any Federal, State, or local laws, rules, and regulations.
- viii. When "chemical-resistant footwear" is specified by the pesticide labeling, it shall be one of the following types of footwear: chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable then leather boots may be worn in such terrain.
- ix. When "protective eyewear" is specified by the pesticide labeling, it shall be one of the following types of eyewear: goggles; face shield; safety glasses with front, brow, and temple protection; or a full face respirator.
- x. When "chemical-resistant headgear" is specified by the pesticide labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim;
- xi. When a "chemical-resistant apron" is specified by the pesticide labeling, it shall be a chemical resistant apron that covers the front of the body from mid-chest to the knees;
5. The agricultural employer shall ensure that:
- i. Workers wear the PPE correctly for its intended purpose and use PPE according to manufacturer's instructions;
- ii. Before each day of use, all PPE is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded;
- iii. PPE that cannot or will not be cleaned properly is made unusable as apparel or is made unavailable for further use by an employee or third party. The contaminated PPE shall be disposed of in accordance with any applicable Federal, State, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with a pesticide that has the signal word "DANGER" or "WARNING" on the label shall not be reused and shall be disposed of as specified in this paragraph. The employer shall ensure that any person who handles contaminated PPE described in this paragraph wears the gloves specified on the pesticide labeling for mixing and loading the pesticide(s) comprising the contaminant(s) on the equipment. If two or more pesticides are included in the contaminants, the gloves worn shall meet the requirements for mixing and loading each of the pesticides;
- iv. All PPE is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water;
- v. Before being stored, all washed PPE is dried thoroughly before being stored or reused;
- vi. PPE contaminated with pesticides is kept separate from non-contaminated PPE, other clothing, or laundry, and washed separately from any other clothing or laundry;

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- vii. Any person who cleans or launders PPE is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and the correct way(s) to handle and clean PPE and to protect themselves when handling equipment contaminated with pesticides;
- viii. All clean PPE is stored separately from personal clothing and apart from pesticide-contaminated areas;
- ix. Each worker is instructed how to put on, use, and remove the PPE and is informed about the importance of washing thoroughly after removing PPE; **and**
- x. Workers have a clean place(s) away from pesticide storage and pesticide use areas for storing personal clothing not in use; putting on PPE at the start of any exposure period; and removing PPE at the end of any exposure period;
- 6. When PPE is required by the labeling of any pesticide for early entry, the agricultural employer shall **ensure** that no worker is allowed or directed to perform early-entry activity without implementing, when appropriate, measures to prevent heat related illness;
- 7. During any early-entry activity, the agricultural employer shall provide a decontamination site in accordance with N.J.A.C. 7:30-12.10; and
- 8. The agricultural employer shall not allow or direct any worker to wear home or take home PPE contaminated with pesticides.

(d) A worker may enter a treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency, if the agricultural employer **ensures** that all of the following criteria are met:

- 1. The Department, Pesticide Control Program, declares an agricultural emergency **that applies to the treated area or the** agricultural employer determines the agricultural establishment is subject to circumstances **that were previously declared an agricultural emergency;**
- 2. **The agricultural employer determines that the agricultural establishment is subject to the circumstances that result in an agricultural emergency;**
- 3. The requirements of (c)3 through 8 above are met;
- 4. **If the labeling of any pesticide applied to the treated area requires workers to be notified of the location of treated areas by both posting and oral notification, then the agricultural employer shall ensure that no individual worker spends more than four hours out of any 24-hour period in treated areas where such a restricted-entry interval is in effect;**
- 5. **No such entry is allowed during the first four hours after the application ends; and**
- 6. **No such entry is allowed until any inhalation exposure level listed in the pesticide labeling has been reached or any ventilation criteria required pursuant to N.J.A.C. 7:30-12.3(b)3 or the pesticide labeling have been met.**

(e) A worker may enter a treated area during a restricted-entry interval for limited contact or irrigation activities, if the agricultural employer ensures that all of the following requirements are met:

- 1. **No hand labor activity is performed;**
- 2. **No worker is allowed in the treated area for more than eight hours in a 24-hour period;**

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3. No such entry is allowed during the first four hours after the application ends;
4. No such entry is allowed until any inhalation exposure level listed in the pesticide labeling has been reached or any ventilation criteria required pursuant to N.J.A.C. 7:30-12.3(b)3 or the pesticide labeling have been met;
5. The task is one that, if not performed before the restricted-entry interval expires, would cause substantial economic loss, and there are no alternative tasks that would prevent substantial loss;
6. With the exception of irrigation tasks, the need for the task could not have been foreseen;
7. The worker has no contact with pesticide-treated surfaces, other than minimal contact with feet, lower legs, hands, and forearms; and
8. The labeling of the pesticide that was applied does not require that workers be notified of the location of treated areas by both posting and oral notification.

7:30-12.5 Notice of applications to workers

(a) The agricultural employer shall notify workers of any pesticide application in an area of enclosed space production in accordance with the following:

1. When a pesticide with a restricted-entry interval on the pesticide labeling greater than four hours is applied, the agricultural employer shall post warning signs in accordance with (c) below.
2. When a pesticide with a restricted-entry interval on the pesticide labeling equal to or less than four hours is applied, the agricultural employer shall notify workers either by posting warning signs in accordance with (c) below or by providing workers with an oral warning in accordance with (d) below.
3. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker(s) in accordance with (d) below.
4. Notice need not be given to the worker if the agricultural employer can ensure that one of the following is met:
 - i. From the start of the application until the end of the restricted-entry interval, the worker(s) will not enter any area of the entire enclosed space; or
 - ii. The worker(s) was involved in the application of the pesticide(s) as a handler and is aware of all the information required pursuant to (d)1, 2, and 3 below.

(b) The agricultural employer shall notify workers of any pesticide application for outdoor production in accordance with the following:

1. When a pesticide with labeling that requires a restricted-entry interval greater than 48 hours is applied to an outdoor production area, the agricultural employer shall notify workers of the application by posting warning signs in accordance with (c) below.
2. When a pesticide with labeling that requires a restricted-entry interval equal to or less than 48 hours is applied to an outdoor production area, the agricultural employer shall notify workers of the application either by posting warning signs in accordance with (c) below or by providing workers with an oral warning in accordance with (d) below.

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3. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with (c) below and shall provide oral notification of the application to the worker in accordance with (d) below.
4. Notice need not be given to a worker if the agricultural employer can **ensure** that one of the following is met:
 - i. From the start of the application **to an outdoor production area** until the end of the restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area **on the agricultural establishment**; or
 - ii. The worker **was involved in** the application of the pesticide **as a handler** and is aware of all information required by (d)1, 2, and 3 below.
- (c) The agricultural employer shall post warning signs in accordance with the following criteria:
 1. The warning signs shall match the following description:
 - i. The warning sign(s) shall have a **white** background;
 - ii. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign; and the words "KEEP OUT" and "NO ENTRE," shall be at the bottom of the sign. Letters for all words shall be clearly legible;
 - iii. A circle containing an upraised hand on the left and a stern face on the right shall be near the center of the sign. The inside of the circle shall be red, except that the hand and a large portion of the face shall be in **white**;
 - iv. The length of the hand shall be **at least** twice the height of the smallest letters. The length of the face shall be only slightly smaller than the hand;
 - v. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black-and-white example of a warning sign meeting these requirements, other than the following size requirements in (c)2 below, follows:

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- vi. The agricultural employer may replace the Spanish language portion of the warning sign with equivalent terms in an alternative non-English language, if that alternative language is the language read by the largest group of workers at that agricultural establishment who do not read English. The alternative language sign shall be in the same format as the original sign and conform to all other requirements of this section.
2. The **standard** warning sign shall be at least 14 inches by 16 inches in size, and the letters shall be at least one inch in height unless a smaller sign and smaller letters are necessary because the treated area is too small to accommodate a sign of this size. If a smaller sign is used, it **shall** meet the proportions and other requirements described in (c)1 above.
3. **When posted in an outdoor production area**, the signs shall be visible from all **reasonably expected** points of worker entry to the treated area, including at least each access road, each border with any **worker housing area within 100 feet of** the treated area, and each footpath and other walking route that enters the treated area. When there are no defined points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.
4. **When standard signs are posted in an area of enclosed space production and the entire structure or space is subject to the restricted-entry interval specified on the pesticide**

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labeling and the post-application entry restrictions specified in N.J.A.C. 7:30-12.4, the signs shall be posted so they are visible from all reasonably expected points of worker entry to the structure or space. When the standard signs are posted in a treated area of an enclosed space production and the treated area comprises only a portion of the structure or space, the signs shall be posted so they are visible from all reasonably expected points of worker entry to the treated area, including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

5. When smaller warning signs with "DANGER" and "PELIGRO" in letters at least 7/8 inch in height, remaining letters at least 1/2 inch in height, and a red circle at least three inches in diameter containing an upraised hand and a stern face, are posted, the signs shall be posted no farther than 50 feet apart around the perimeter of the treated area in addition to the locations specified in (c)3 and 4 above.
6. When smaller warning signs with "DANGER" and "PELIGRO" in letters at least 7/16 inch in height, remaining letters at least 1/4 inch in height, and a red circle at least one and a half inches in diameter containing an upraised hand and a stern face, are posted, the signs shall be posted no farther than 25 feet apart around the perimeter of the treated area in addition to the locations specified in (c)3 and 4 above.
7. The signs shall:
 - i. Be posted prior to, but no earlier than, 24 hours before the scheduled application of the pesticide;
 - ii. Remain posted throughout the application and any restricted-entry interval; and
 - iii. Be removed or covered within three days after the end of any application and any restricted-entry interval, whichever is later, except that signs may remain posted after the restricted entry-interval has expired, provided the following conditions are met:
 - (1) The agricultural employer instructs any workers on the establishment that may come within 1/4 mile of the treated area not to enter that treated area while the signs are posted; and
 - (2) The agricultural employer ensures that workers do not enter the treated area while the signs remain posted, other than as permitted by N.J.A.C. 7:30-12.4.
8. The signs shall remain visible and legible during the time they are posted.
9. When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by N.J.A.C. 7:30-12.4, is prohibited for the entire area while the signs are posted.

(d) The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning will be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

1. The location and description of the treated area subject to the entry restrictions during and after application;
2. The dates and times during which entry is restricted; and

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3. Instructions not to enter the treated area **or an application exclusion zone during application, and that entry to the treated area is not allowed** until the restricted-entry interval has expired **and all treated area warning signs have been removed or covered, except for entry permitted under N.J.A.C. 7:30-12.4.**

7:30-12.6 Providing specific information about applications

(a) When workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subchapter has been applied on the establishment, or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(b) The information shall be displayed in the location specified for the pesticide safety information in N.J.A.C. 7:30-12.9**(b) and shall be accessible and legible.**

(c) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

1. The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.
2. The information displayed shall continue to be displayed for at least 30 days after the end of the restricted-entry interval; or if there is no restricted-entry interval, for at least 30 days after the end of the application; or, at least until workers are no longer on the establishment, whichever is earlier.

(d) The information shall include:

1. The location and description of the treated area.
 - i. The crop **or site treated.**
 - ii. The location of the application, to be shown on the map required in 12.6(d)6 below;
2. The pesticide brand or trade name, EPA Registration Number, active ingredient(s) of the pesticide, **and the pesticide safety data sheet;**
3. The time and date the pesticide **application is starting and ending;**
4. The restricted-entry interval for the pesticide and the exact date and time for safe re-entry by workers and handlers;
5. The posted information, pursuant to (d)1, 2, 3 and 4 above shall have the following column headings printed in English and in the native language(s) understood by farm workers employed by the farm:
 - i. Crop;
 - ii. Name of Pesticide;
 - iii. Safe Reentry Time;
 - iv. Application date;
 - v. **Application start and finish time; and**
 - vi. Application Location.

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6. A map of the farm shall be posted at the same location as the written information designated in (d)1 above and shall be used to clearly designate the fields treated with pesticides;
7. The Department will develop and make available an example format for proper posting of written information. This example will be made available through agriculture-related organizations including the New Jersey Department of Agriculture, Rutgers Cooperative Extension, and the New Jersey Farm Bureau and posted by the Department at <http://www.nj.gov/dep/enforcement/pcp/pcp-wps.htm>. In lieu of the example format developed by the Department, a farm owner or lessee may use a different format if it conforms to the requirements of this subsection.

(e) Whenever pesticide safety information and pesticide application and hazard information are required to be displayed in accordance with this section, the agricultural employer shall retain the pesticide application and hazard information required pursuant to (d) above on the agricultural establishment for three years after the date of expiration of the restricted-entry interval applicable to the pesticide application conducted.

(f) If a person is, or was, employed as a worker or handler by an establishment during the period that particular pesticide application and hazard information was required to be displayed and retained for three years in accordance with this section, and the person requests a copy of such application and/or hazard information, or requests access to such application and/or hazard information after it is no longer required to be displayed, the agricultural employer shall provide the worker or handler with a copy of or access to all of the requested information within 15 days of the receipt of any such request. The worker or handler may make the request orally or in writing.

1. Whenever a record has been previously provided without cost to a worker or handler or their designated representative, the agricultural employer may charge reasonable, non-discriminatory administrative costs (that is, search and copying expenses, but not including overhead expenses) for a request by the worker or handler for additional copies of the record.

(g) Any treating medical personnel, or any person acting under the supervision of treating medical personnel, may request, orally or in writing, access to, or a copy of, any information required to be retained for three years by this section in order to inform diagnosis or treatment of a worker or handler who was employed on the establishment during the period that the information was required to be displayed. The agricultural employer shall promptly provide a copy of, or access to, all of the requested information applicable to the worker's or handler's time of employment on the establishment after receipt of the request.

(h) Any worker's or handler's designated representative may request access to, or a copy of, any information required to be retained for three years by this section on behalf of a worker or handler employed on the establishment during the period that the information was required to be displayed. The agricultural employer shall provide access to, or a copy of, the requested information applicable to the worker's or handler's time of employment on the establishment within 15 days after receiving any such request, provided the request meets the requirements of (i) below.

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- (i) A request by a designated representative for access to or a copy of any pesticide application and/or hazard information shall be in writing and contain all of the following:
1. The name of the worker or handler being represented;
 2. A description of the specific information being requested. The description should include the dates of employment of the worker or handler, the date or dates for which the records are requested, type of work conducted by the worker or handler (for example, planting, harvesting, applying pesticides, mixing, or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested;
 3. A written statement clearly designating the representative to request pesticide application and hazard information on the worker's or handler's behalf, bearing the worker's or handler's printed name and signature, the date of the designation, and the printed name and contact information for the designated representative;
 4. If the worker or handler requests that the pesticide application and/or the hazard information be sent, direction for where to send the information (for example, mailing address or email address); and
 5. A fee, if any, in accordance with (f)1 above.

7:30-12.7 Notice of application to handler employers

(a) Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in, or may walk within one-quarter mile of, and may be treated with a pesticide, or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

1. The specific location and description of any such areas; and
2. Restrictions on entering those areas.

7:30-12.8 Worker pesticide safety training

(a) Before any worker performs any task in a treated area on an agricultural establishment where within the last 30 days a pesticide has been used or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall ensure that each worker, required by this section to be trained, has been trained according to this section within the previous 12 months.

1. Before any worker performs any activity in a treated area on an agricultural establishment where within the previous 30 days a pesticide product has been used, or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall ensure that each worker has received an employee orientation to provide establishment-specific information. The agricultural employer may delegate such orientation to the crew leader(s); however, the agricultural employer is responsible to ensure that the orientation is given.

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2. Employee orientation training shall **be provided in a manner the worker can understand** and meet or exceed the following course content requirements:
 - i. Re-entry, and how workers are informed about re-entry;
 - ii. The location of handwashing facilities, clean clothes and protective clothing;
 - iii. **The location of decontamination supplies and where** to obtain immediate decontamination;
 - iv. A review of **the location of pesticide application, safety, and hazard** information **required pursuant to N.J.A.C. 7:30-12.6 and 12.9;**
 - v. The availability of pesticide **safety data sheets (SDS);**
 - vi. Hand out the educational pamphlet required pursuant to **(e)** below, when available.

(b) The following persons need not be trained under this section:

1. A worker who is currently certified as an applicator of pesticides under N.J.A.C. 7:30-8.1;
2. A worker who satisfies the training requirements of 40 CFR part 171;
3. A worker who satisfies the handler training requirements under N.J.A.C. 7:30-12.16; and
4. A worker who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by the Department, the EPA, or another state or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes all of the information set out in N.J.A.C. 7:30-12.16(c)3.

(c) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually **at a location that is reasonably free from distraction and conducive to training. All training materials shall be EPA-approved.** The information shall be presented in a manner that workers can understand, such as through a translator, using nontechnical terms. The presenter also shall respond to workers' questions.

1. The person who conducts the training shall meet at least one of the following criteria:
 - i. Be currently certified as an applicator of restricted use pesticides under 40 CFR Part 171;
 - ii. Be currently recognized as a trainer of **certified applicators or** pesticide handlers by a state, Federal, or Tribal agency having jurisdiction; or
 - iii. Have completed **an EPA-approved pesticide safety** train-the-trainer program **for trainers of workers.**
2. Any person who **completes a roster required pursuant to (q) below indicating a worker has completed the required training shall ensure** that the worker has been trained in accordance with **(c)3** below.
3. The training materials shall convey, at a minimum, the following information:
 - i. **The responsibility of an agricultural employer to provide the worker and handler with information and protections designed to reduce work-related pesticide exposure and illness, which includes:**
 - (1) Ensuring that the worker and handler have been trained on pesticide safety;**
 - (2) Providing pesticide safety and application and hazard information, decontamination supplies, and emergency medical assistance;**

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- (3) Notifying workers of restrictions during applications and on entering pesticide treated areas; and
- (4) Providing access to pesticide application and hazard information for the worker or handler through a request by a designated representative, designated by the worker or handler in writing;
 - ii. How to recognize and understand the posted warning signs used for notifying workers of restrictions on entering pesticide treated areas on the establishment;
 - iii. How to follow directions and/or signs about keeping out of pesticide treated areas subject to a restricted-entry interval and application exclusion zones;
 - iv. Where and in what forms pesticides may be encountered during work activities and potential sources of pesticide exposure on the agricultural establishment. This includes exposure to pesticide residues that may be on, or in, plants, soil, tractors, application and chemigation equipment, or used personal protective equipment, and that pesticides may drift through the air from nearby applications or be in irrigation water;
 - v. Potential hazards from toxicity and exposure that pesticides present to workers and their families, including acute and chronic effects, delayed effects, and sensitization;
 - vi. Routes through which pesticides can enter the body;
 - vii. Signs and symptoms of common types of pesticide poisoning;
 - viii. Emergency first aid for pesticide injuries or poisonings;
 - ix. Routine and emergency decontamination procedures, including emergency eye flushing techniques, and, if pesticides are spilled or sprayed on the body, to use decontamination supplies to wash immediately or rinse off in the nearest clean water, including springs, streams, lakes, or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes;
 - x. How and when to obtain emergency medical care;
 - xi. The need, when working in a pesticide treated area, to wear work clothing that protects the body from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;
 - xii. The need to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas;
 - xiii. Potential hazards from pesticide residues on clothing;
 - xiv. The need to wash work clothes before wearing them again and wash them separately from other clothes;
 - xv. Instruction not to take pesticides or pesticide containers used at work to the worker's home;
 - xvi. Notice that safety data sheets provide hazard, emergency medical treatment, and other information about the pesticides used on the establishment that the worker may come in contact with. The responsibility of agricultural employers to do all of the following:
 - (1) Display safety data sheets for all pesticides used on the establishment;
 - (2) Provide workers and handlers information about the location of the safety data sheets on the establishment; and

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- (3) Provide workers and handlers unimpeded access to safety data sheets during normal work hours;
 - xvii. Notice that the rule prohibits agricultural employers from allowing or directing any worker to mix, load, or apply pesticides or assist in the application of pesticides unless the worker has been trained as a handler;
 - xviii. The responsibility of the agricultural employer to provide specific information to workers before directing them to perform early-entry activities, and notice that workers must be 18 years old to perform early-entry activities;
 - xix. Potential hazards to children and pregnant women from pesticide exposure;
 - xx. Notice to keep children and nonworking family members away from pesticide treated areas;
 - xxi. The need to, after working in pesticide treated areas, remove work boots or shoes before entering a home, and remove work clothes and wash or shower before physical contact with children or family members;
 - xxii. How to report suspected pesticide use violations to the State or Tribal agency responsible for pesticide enforcement; and
 - xxiii. Notice that the rule prohibits agricultural employers from intimidating, threatening, coercing, or discriminating against any worker or handler for:
 - (1) Complying with, or attempting to comply with, this subchapter;
 - (2) Providing, causing to be provided, or being about to provide information to the employer, the EPA, or any duly authorized representative of a Federal, state, or Tribal government regarding conduct that the worker or handler reasonably believes violates this subchapter;
 - (3) Making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing concerning compliance with this subchapter.
- (d) If the resources become available, the Department shall prepare educational pamphlets, written at a fifth grade level, in English and in the native languages of the major groups of workers, working in New Jersey. These pamphlets will be available to agricultural employers, owners, agricultural extension and other agricultural organizations. The pamphlet shall include, but not be limited to, the following areas:
- 1. General pesticide health and safety information, preventive practices in the field and in the worker residential area, signs and symptoms of pesticide poisoning, first aid and medical care, and methods of seeking assistance from State and Federal agencies if a pesticide problem occurs;
 - 2. The names and addresses of health providers in the vicinity who are trained in pesticide evaluation and have bi-lingual or multi-lingual staff; and
 - 3. The rights of workers to obtain the pesticide information and training pursuant to this subchapter, as well as rights under other Federal and State laws.
- (e) Every agricultural employer shall provide the pamphlets prepared pursuant to (d) above, to all workers. Such pamphlets shall be presented to workers at least once annually as part of the employee orientation training required pursuant to (a) above, unless the workers already have an updated pamphlet in their possession.

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(f) No trainer shall conduct training of workers or handlers required by this subchapter without receiving recognition as a trainer by the Department.

1. A person currently licensed in New Jersey as a pesticide applicator is exempt from the need to receive recognition as a trainer by the Department, unless training workers or handlers of an employer other than the trainer's employer.

(g) A New Jersey Trainer recognition shall be issued if the following conditions are satisfied:

1. The Department receives proof that the person meets at least one of the criteria at (c)1 above; and
2. The trainer demonstrates to the Department a knowledge of relevant New Jersey pesticide laws and regulations.

(h) The Department, when it determines that grounds exist, may:

1. Deny an application for recognition as a trainer;
2. Revoke recognition as a trainer; or
3. Suspend recognition as a trainer.

(i) Each of the following acts shall constitute a ground for which any of the disciplinary actions described in (h) above may be taken:

1. Failing to receive prior Department approval for a training program;
2. Refusing, or after notice, failing to comply with any of the provisions of the Act, or any Order issued by the Department thereto;
3. Training in a manner that may result in harm, injury, or damage to persons, property, or the environment, or a significant risk of such harm, injury, or damage;
4. Making false or fraudulent claims through any form of written or verbal communication, misrepresenting the effects of any pesticide or application methods to be utilized.
5. Issuing false or fraudulent Worker Protection Standard worker verification card;
6. Failing to keep or falsification of required records;
7. Falsifying, or making misleading statements in the application for trainer recognition;
8. Evading, or attempting to evade, or aiding, abetting, combining with, or conspiring with any person for any purpose which will evade or be in violation of the provisions of the Act or this subchapter; or
9. Providing less information than is required pursuant to this section.

(j) No person who has had their trainer recognition revoked or suspended shall train during the time period for which the revocation or suspension is in effect.

(k) Where the Department acts pursuant to (h) above, the Department shall afford a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, to any person who is aggrieved by the order and who has applied to the Department for a hearing in accordance with N.J.A.C. 7:30-11.4 within 15 days of issuance of the order.

(l) In the event of the issuance by EPA of a final order assessing a civil penalty under section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§135 et seq. or a

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criminal conviction under section 14(b), the Department may suspend or revoke worker trainer recognition of any person so assessed or convicted.

(m) The trainer and agricultural employer shall keep a training roster for each worker trained in New Jersey. Such a roster shall contain the following information:

1. The full printed name of the worker;
2. The date of training;
3. The name of the trainer and the pesticide applicator license number or Department-issued trainer identification number for the trainer;
4. The worker's native language;
5. The email address of the trainer;
6. The worker's birth date;
7. The name of the agricultural employer and address of agricultural employment;
8. The signature of the worker trained; and
9. Information identifying which EPA-approved training materials were used.

(n) All rosters required to be kept pursuant to (m) above shall be kept for a minimum of three years.

(o) All rosters shall be immediately provided upon request by the Department.

(p) An agricultural employer who provides, directly or indirectly, training required under this section shall provide, to the worker upon request, a copy of the record of the training that contains the information required pursuant to (m) above.

(q) The Department may require the periodic submission by an agricultural employer of annual data on worker training, including, but not limited to:

1. The number of workers trained in a specified year;
2. The native language spoken by the trained workers; and
3. The name of the agricultural employer and address of agricultural employment of the trained workers.

7:30-12.9 Posted pesticide safety information

(a) When workers are on an agricultural establishment and, within the last 30 days a pesticide covered by this subchapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information. The safety information shall convey, in a manner the workers can understand, all of the following points:

1. Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:
 - i. Avoid getting on your skin or into your body any pesticides that may be on or in plants, soil, irrigation water, tractors and other equipment, or used personal protective equipment, or pesticides drifting from nearby applications.
 - ii. Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

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- iii. Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).
 - iv. Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.
 - v. Wash work clothes separately from other clothes before wearing them again.
 - vi. If pesticides are spilled or sprayed on the body, use decontamination supplies to wash immediately, or rinse off in the nearest clean water, including springs, streams, lakes, or other sources if more readily available than decontamination supplies, and, as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.
 - vii. Follow directions about keeping out of treated areas and application exclusion zones.
 - viii. Instructions to employees to seek medical attention as soon as possible if they believe they have been poisoned, injured, or made ill by pesticides.
 - ix. The following contact information for New Jersey's pesticide regulatory agency:
New Jersey Department of Environmental Protection
Bureau of Pesticide Compliance and Enforcement
Mail Code 401-04A
401 East State Street
PO Box 420
Trenton, New Jersey 08625-0420
Telephone: (609) 984-6568
Internet address: <http://www.nj.gov/dep/enforcement/pcp/pcp-wps.htm>
2. There are Federal/State rules to protect workers and handlers, including a requirement for safety training.
 3. The name, address, and telephone number of a nearby operating medical care facility capable of providing emergency medical treatment. This information shall be clearly identified as emergency medical contact information on the display.
 - i. The agricultural employer shall update the pesticide safety information display within 24 hours of notice of any change to the information on emergency medical care facilities.
 - (b) The pesticide safety information shall be displayed at each of the following sites on the agricultural establishment:
 1. A location where it can be readily seen and read by workers and where workers are likely to congregate or pass by.
 2. Locations on the agricultural establishment where decontamination supplies shall be provided, but only when the decontamination supplies are located at permanent sites or being provided at locations and in quantities to meet the requirements for 11 or more workers.
 - (c) Workers shall be informed of the location of the information and shall be allowed access to it at all times during normal work hours.
 - (d) The information shall remain legible during the time it is posted.

7:30-12.10 Decontamination

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(a) If any worker on an agricultural establishment performs any activity in an area where a pesticide has been applied and **who** contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, **and** plants, the agricultural employer shall provide, in accordance with this section, a decontamination site for **routine** washing **and emergency** decontamination.

1. If any pesticide with a restricted-entry interval greater than four hours was applied, the decontamination supplies shall be provided from the time workers first enter the treated area until at least 30 days after the restricted-entry interval expires.
2. If the only pesticides applied in the treated area are products with restricted-entry intervals of four hours or less, the decontamination supplies shall be provided from the time workers first enter the treated area until at least seven days after the restricted- entry interval expires.
3. If an agricultural employer directs a worker to perform activities in a treated area where a restricted-entry interval is in effect, the agricultural employer shall provide decontamination supplies in accordance with handler decontamination pursuant to N.J.A.C. 7:30-12.21.
 - i. The decontamination supplies for early-entry workers shall be outside any area being treated with pesticides or subject to a restricted-entry interval, unless the decontamination supplies would otherwise not be reasonably accessible to workers performing early-entry tasks.
 - ii. If the pesticide product labeling of the product applied requires protective eyewear, the agricultural employer shall provide at least one pint of water per worker in portable containers for eyeflushing that is immediately available to each worker who is performing early-entry activities.
 - iii. At the end of any early-entry activities the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, single-use towels, and at least three gallons of water per worker so that the workers may wash thoroughly.

(b) The agricultural employer shall provide workers with **at least one gallon of water per worker at the beginning of each worker's work period** for routine washing and emergency **decontamination**. At all times when water is available to workers, the employer shall **ensure** that it is of a quality and temperature that shall not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

1. If a water **source** is to be used for mixing pesticides, it shall not be used for decontamination, unless equipped with properly functioning valves or other mechanisms that prevent **contamination of the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient to prevent contamination**.
2. The agricultural employer shall provide soap and single-use towels **for drying** at each decontamination site in quantities sufficient to meet workers' **reasonable** needs. **Neither hand sanitizing gels and liquids, nor wet towelettes meet the requirements for soap. Wet towelettes do not meet the requirement for single-use towels.**

(c) The decontamination **supplies** shall be **located together and** reasonably accessible to where workers are working.

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1. For worker activities performed more than one-quarter mile from the nearest place of vehicular access **or more than one-quarter mile from any non-treated area**:
 - i. The soap, single-use towels, and water may be at the nearest place of vehicular access.
 2. The decontamination site shall not be in an area being treated with pesticides.
 3. The decontamination site shall not be in an area that is under a restricted-entry interval, unless the workers for whom the site is provided are performing early-entry activities permitted by N.J.A.C. 7:30-12.4 and involving contact with treated surfaces and the decontamination site would otherwise not be reasonably accessible to those workers.

(d) At the end of any early-entry activities permitted **under** N.J.A.C. 7:30-12.4 and involving contact with anything that has been treated with a pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or plants, the agricultural employer shall provide, at the site where workers remove PPE, soap, **single-use** towels, and **at least three gallons** of water **per worker** so that the workers may wash thoroughly.

7:30-12.11 Emergency assistance by agricultural establishments

(a) **If there is reason to believe that a worker or handler has experienced a potential pesticide exposure during employment on the agricultural establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within 72 hours after employment on the agricultural establishment, and needs emergency medical treatment, the agricultural employer shall do all of the following promptly after learning of the possible poisoning or injury:**

1. Make available to that person transportation from the agricultural establishment, including any **worker housing** on the agricultural establishment, to an **operating** medical care facility **capable of providing emergency medical treatment to a person exposed to pesticides**.
2. **Promptly provide all of the following information** to that person **and** to treating medical personnel:
 - i. **A copy of the applicable safety data sheet and the product** name, EPA Registration Number, and active ingredients of any **pesticide** product to which that person might have been exposed;
 - ii. The circumstances of application or use of the pesticide on the agricultural establishment;
 - iii. The circumstances **that could have resulted in** exposure of that person to the pesticide.

7:30-12.12 Standard for pesticide handlers

(a) Except as provided for by (b) and (c) below, this subchapter applies when any pesticide **product bearing a label requiring compliance with the Worker Protection Standard, 40 CFR Part 170**, is handled for use on an agricultural establishment.

(b) This subchapter does not apply when any pesticide **product bearing a label requiring compliance with the Worker Protection Standard, 40 CFR Part 170**, is handled for use on an agricultural establishment in the following circumstances:

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1. As part of government-sponsored public pest control programs over which the owner, agricultural employer, and handler employer have no control, such as mosquito abatement, Mediterranean fruit fly eradication, or similar community or area-wide public pest control programs;
2. On livestock or other animals, or in or about animal premises;
3. On pasture and rangeland where the forage will not be harvested for hay;
4. On plants other than agricultural plants, which may include plants in home fruit and vegetable gardens and home greenhouses, and permanent plantings for ornamental purposes, such as plants that are in ornamental gardens, parks, and public and private lawns and grounds that are intended only for aesthetic purposes or climatic modification;
5. In a manner not directly related to the production of agricultural plants and animals including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas;
6. For control of vertebrate pests unless the control is directly related to the production of an agricultural plant;
7. As attractants or repellents in traps;
8. On the harvested portions of agricultural plants or on harvested timber; or
9. For research uses of unregistered pesticides.

(c) The handlers listed in this subsection are exempt from the specified provisions of this subchapter.

1. On any agricultural establishment where a majority of the establishment is owned by one or more members of the same immediate family, the owner of an agricultural establishment is not required to provide to himself or herself or members of his or her immediate family who are performing handling tasks on their own agricultural establishment the protections of:
 - i. N.J.A.C. 7:30-12.13(b) and (c);
 - ii. N.J.A.C. 7:30-12.14;
 - iii. N.J.A.C. 7:30-12.16, 12.17, 12.18, and 12.19, except for 12.16(a)1;
 - iv. N.J.A.C. 7:30-12.20(e) through (g);
 - v. N.J.A.C. 7:30-12.21; and
 - vi. N.J.A.C. 7:30-12.11.
2. The owner of the agricultural establishment shall provide all of the applicable protections required by this subchapter to other handlers and other persons who are not members of his or her immediate family.
3. Provided that the conditions of (c)3ii below are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate by the Department, the EPA, or another state or Tribal lead agency for pesticide enforcement are exempt from the provisions of: N.J.A.C. 7:30-12.17, 12.20, 12.21 and 12.22.
 - i. Certified crop advisors may make their own determination as to appropriate PPE for entry into a treated area during a restricted-entry interval and may substitute their self-determined set of personal protective equipment for the labeling-required personal protective equipment. However, the employer of a crop advisor shall provide all required

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- protections of this subchapter to any crop advisor employee who is performing the duties of a crop advisor, but who is not a certified crop advisor.
- ii. Conditions of crop advisor exemption are as follows:
 - (1) The certification or licensing program requires pesticide safety training that includes, at least, all the information in N.J.A.C. 7:30-12.16(c)3.
 - (2) No entry into the treated area shall occur until after the application ends.
 - (3) The exemption applies only when performing crop advising tasks in the treated area.

7:30-12.13 Restrictions during applications

- (a) The handler employer and the handler shall ensure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler involved in the application.
- (b) The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.
- (c) The handler employer shall ensure:
 - 1. That any handler in an area of enclosed space production during a fumigant application maintains continuous visual or voice contact with another handler stationed immediately outside of the area of enclosed space production; and
 - 2. That the handler stationed outside the area of enclosed space production has immediate access to and uses the PPE required by the fumigant labeling for applicators in the event that entry becomes necessary for rescue.
- (d) A handler performing a pesticide application shall immediately suspend the application if any worker or other person, other than an appropriately trained and equipped handler involved in the application, is in the application exclusion zone set forth at N.J.A.C. 7:30-12.3(a) or the area specified in the Table at N.J.A.C. 7:30-12.3(b)4.

7:30-12.14 Providing specific information about applications

- (a) When handlers, except those employed by a commercial pesticide handling establishment and, within the last 30 days, a pesticide covered by this subchapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.
- (b) The information shall be displayed in the same location specified for the pesticide safety information in N.J.A.C. 7:30-12.19(b) and shall be accessible and legible, as specified in N.J.A.C. 7:30-12.19(c) and (d).
- (c) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

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1. The information shall be posted before the application takes place, if handlers, except those employed by a commercial handling establishment, will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.
 2. The information shall continue to be displayed for at least 30 days after the end of the restricted-entry interval; or, if there is no restricted-entry interval, for at least 30 days following the end of the application; or at least until the handlers are no longer on the establishment; whichever is earlier.
- (d) The information posted shall include:
1. The location and description of the treated area;
 - i. The crop;
 - ii. The location of the application, to be shown on the map required in (d)6 below;
 2. The pesticide brand or trade name, EPA Registration Number, active ingredient(s) of the pesticide, **and the pesticide safety data sheet**;
 3. The time and date the pesticide **application is starting and ending**;
 4. The restricted-entry interval for the pesticide and the exact date and time for safe re-entry by handlers;
 5. The posted information, pursuant to (d)1, 2, 3, and 4 above shall have the following column headings printed in English and in the native language(s) understood by farm workers employed by the farm:
 - i. Crop;
 - ii. Name of pesticide;
 - iii. Safe re-entry time;
 - iv. Application date;
 - v. **Application start and finish time; and**
 - vi. Application location.
 6. A map of the farm shall be posted at the same location as the written information designated in (d)1 above and shall be used to clearly designate the fields treated with pesticides.
 7. The Department shall develop and make available an example format for proper posting of written information. This example will be made available through agriculture-related organizations including the New Jersey Department of Agriculture, Rutgers Cooperative Extension, and the New Jersey Farm Bureau, and **posted by** the Department at the following **internet website** address:
<http://www.nj.gov/dep/enforcement/pcp/pcp-wps.htm> . In lieu of the example format developed by the Department, a farm owner or lessee may use a different format if it conforms to the requirements of this subsection.

(e) Whenever pesticide safety information and pesticide application and hazard information are required to be displayed in accordance with this section, the agricultural employer shall retain the pesticide application and hazard information required pursuant to (d) above on the agricultural establishment for three years after the date of expiration of the restricted-entry interval applicable to the pesticide application conducted.

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(f) If a person is, or was, employed as a worker or handler by an establishment during the period that particular pesticide application and hazard information was required to be displayed and retained for three years in accordance with this section, and the person requests a copy of such application and/or hazard information, or requests access to such application and/or hazard information after it is no longer required to be displayed, the agricultural employer shall provide the worker or handler with a copy of, or access to, all of the requested information within 15 days of the receipt of any such request. The worker or handler may make the request orally or in writing.

(g) Any treating medical personnel, or any person acting under the supervision of treating medical personnel, may request, orally or in writing, access to, or a copy of, any information required to be retained for three years by this section in order to inform diagnosis or treatment of a worker or handler who was employed on the establishment during the period that the information was required to be displayed. The agricultural employer shall promptly provide a copy of, or access to, all of the requested information applicable to the worker's or handler's time of employment on the establishment after receipt of the request.

(h) Any worker's or handler's designated representative may request access to, or a copy of, any information required to be retained for three years by this section on behalf of a worker or handler employed on the establishment during the period that the information was required to be displayed. The agricultural employer shall provide access to, or a copy of, the requested information applicable to the worker's or handler's time of employment on the establishment within 15 days after receiving any such request, provided the request meets the requirements specified in (i) below.

(i) A request by a designated representative for access to, or a copy of, any pesticide application and/or hazard information shall be in writing and shall contain all of the following:

1. The name of the worker or handler being represented;
2. A description of the specific information being requested, including the dates of employment of the worker or handler, the date or dates for which the records are requested, type of work conducted by the worker or handler (for example, planting, harvesting, applying pesticides, mixing, or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested;
3. A written statement clearly designating the representative to request pesticide application and hazard information on the worker's or handler's behalf, bearing the worker's or handler's printed name and signature, the date of the designation, and the printed name and contact information for the designated representative; and
4. If the worker or handler requests that the pesticide application and/or the hazard information be sent, directions for where to send the information (for example, mailing address or email address).

(j) Whenever a record has been previously provided without cost to a worker or handler or their designated representative, the agricultural employer may charge reasonable, non-discriminatory administrative costs (that is, search and copying expenses but not including overhead expenses) for a request by the designated representative for additional copies of the record.

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7:30-12.15 Notice of applications to agricultural employers

(a) Before the application of any pesticide on or in an agricultural establishment, any handler employer, commercial pesticide applicator and/or pesticide applicator business performing any application of a pesticide having a reentry time subject to the provisions of 40 CFR Part 156, shall notify the agricultural employer, owner or lessee responsible for the field being treated of the following:

1. The specific location and description of the areas to be treated;
2. The start and estimated end time and date of application;
3. The product name, EPA registration number, and active ingredient(s);
4. The labeling-specified restricted-entry interval;
5. Whether posting and oral notification, or both, are required; and
6. Any restrictions or use directions on the product labeling that shall be followed for protection of workers, handlers, or other persons during or after application.

(b) If there are any changes to the information provided in (a)1, 4, 5, or 6 above, or if the start time for the application will be earlier than originally forecasted or scheduled, the commercial pesticide handler employer shall ensure that the agricultural employer is provided updated information prior to the application.

1. If there are any changes to any other information provided pursuant to (a) above, the commercial pesticide handler employer shall provide updated information to the agricultural employer within two hours after completing the application.
2. Changes to the estimated application end time of less than one hour need not be reported to the agricultural employer.

7:30-12.16 Pesticide safety training for handlers

(a) Before any handler performs any handling task, the handler employer shall ensure that the handler has been trained in accordance with this subsection within the last 12 months.

1. No handler employer shall require any person under 18 years of age to perform any handling task.
2. Before any handler performs any handler activity on an agricultural establishment where within the last 30 days a pesticide product has been used, or a restricted-entry interval for such pesticide has been in effect, the handler employer shall ensure that each handler has received, in a manner the handler can understand, an employee orientation covering all of the following establishment-specific information:
 - i. The location of pesticide safety information required pursuant to N.J.A.C. 7:30-12.19;
 - ii. The location of pesticide application and hazard information required pursuant to N.J.A.C. 7:30-12.14; and
 - iii. The location of decontamination supplies required pursuant to N.J.A.C. 7:30-12.21.

(b) The following persons need not be trained under this section:

1. A handler who is currently certified as an applicator of pesticides under N.J.A.C. 7:30-6.1 or 8.1;
2. A handler who satisfies the training requirements of 40 CFR Part 171;

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3. A handler who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by the Department, Pesticide Control Program, the EPA, or by another State or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes all information set out in (c)3 below.

(c) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually **at a location that is reasonably free from distraction and conducive to training. All training materials shall be EPA-approved.** The information shall be presented in a manner that the handlers can understand, such as through a translator. The presenter shall also respond to the handlers' questions.

1. The person who conducts the training shall meet at least one of the following criteria:
 - i. Be currently certified as a pesticide applicator pursuant to N.J.A.C. 7:30-6.1 or 8.1;
 - ii. Be currently recognized as a trainer of **certified pesticide applicators or** pesticide handlers by a state, Federal, or Tribal agency having jurisdiction; or
 - iii. Have completed **an EPA-approved pesticide safety** Train-the-trainer program for trainers of handlers.
2. Any person who **completes a roster required pursuant to (n) below indicating a handler has completed required training shall ensure the handler** has been trained in accordance with (c)3 below.
3. The training materials shall convey, at a minimum, the following information:
 - i. **The responsibility of the agricultural employer to provide each worker and handler with information and protections designed to reduce work-related pesticide exposures and illnesses. This responsibility includes ensuring that the workers and handlers have been trained on pesticide safety; providing pesticide safety and application and hazard information, decontamination supplies, and emergency medical assistance; and notifying workers of restrictions during pesticide application and when entering pesticide treated areas. A worker or handler may designate, in writing, a representative to request access to pesticide application and hazard information.**
 - ii. **How to recognize and understand the meaning of the posted warning signs used for notifying workers of restrictions on entering pesticide treated areas on the establishment.**
 - iii. **How to follow directions and/or signs about keeping out of pesticide treated areas subject to a restricted-entry interval and application exclusion zones.**
 - iv. **Where, and in what forms, pesticides may be encountered during work activities and potential sources of pesticide exposure on the agricultural establishment. This includes exposure to pesticide residues that may be on or in plants, soil, tractors, application, and chemigation equipment, or used personal protective equipment, and the fact that pesticides may drift through the air from nearby applications or be in irrigation water.**
 - v. **Potential hazards from toxicity and exposure that pesticides present to workers and their families, including acute and chronic effects, delayed effects, and sensitization.**
 - vi. **Routes through which pesticides can enter the body.**
 - vii. **Signs and symptoms of common types of pesticide poisoning.**
 - viii. **Emergency first aid for pesticide injuries or poisonings.**

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- ix. Routine and emergency decontamination procedures, including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to use decontamination supplies to wash immediately or rinse off in the nearest clean water, including springs, streams, lakes, or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.
- x. How and when to obtain emergency medical care.
- xi. When a person is, or has been, working in pesticide treated areas, the need for that person to wear work clothing that protects the body from pesticide residues and to wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.
- xii. The need to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas.
- xiii. Potential hazards from pesticide residues on clothing.
- xiv. The need to wash work clothes before wearing them again and wash them separately from other clothes.
- xv. The instruction not to take pesticides or pesticide containers used at work to your home.
- xvi. Safety data sheets that provide hazard, emergency medical treatment, and other information about the pesticides used on the establishment that the worker may come in contact with. The responsibility of agricultural employers to do all of the following:
 - (1) Display safety data sheets for all pesticides used on the establishment;
 - (2) Provide workers and handlers information about the location of the safety data sheets on the establishment; and
 - (3) Provide workers and handlers unimpeded access to safety data sheets during normal work hours.
- xvii. The prohibition on an agricultural employer allowing or directing any worker to mix, load, or apply pesticides or assist in the application of pesticides, unless the worker has been trained as a handler.
- xviii. The responsibility of agricultural employers to provide specific information to workers before directing them to perform early-entry activities. Workers shall be a minimum of 18 years old to perform early-entry activities.
- xix. Potential hazards to children and pregnant women from pesticide exposure.
- xx. The need to keep children and nonworking family members away from pesticide treated areas.
- xxi. After a person has worked in pesticide treated areas, the need for that person to remove work boots or shoes before entering his or her home and to remove his or her work clothes and wash or shower before physical contact with children or family members.
- xxii. How to report suspected pesticide use violations to the State or Tribal agency responsible for pesticide enforcement.
- xxiii. The prohibition of an agricultural employer intimidating, threatening, coercing, or discriminating against any worker or handler for:
 - (1) Complying with or attempting to comply with this subchapter;

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- (2) Providing, causing to be provided, or being about to provide information to the employer, the EPA, or any duly-authorized representative of a Federal, state, or Tribal government regarding conduct that the worker or handler reasonably believes violates this subchapter;
- (3) Making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing concerning compliance with this subchapter; or
- (4) Objecting to, or refusing to participate in, any activity, policy, practice, or assigned task that the worker or handler reasonably believed to be in violation of this subchapter;
- xxiv. Information on proper application and use of pesticides;
- xxv. The requirement that a handler follow the portions of the labeling applicable to the safe use of the pesticide;
- xxvi. The format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide;
- xxvii. The need for and appropriate use and removal of all personal protective equipment;
- xxviii. How to recognize, prevent, and provide first aid treatment for heat-related illness;
- xxix. Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;
- xxx. Environmental concerns, such as drift, runoff, and wildlife hazards;
- xxxi. The requirement that a handler not apply pesticides in a manner that results in contact with workers or other persons;
- xxxii. The responsibility of a handler employer to provide each handler with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes providing, cleaning, maintaining, storing, and ensuring proper use of all required PPE; properly disposing of contaminated PPE that cannot or will not be cleaned; providing decontamination supplies; and providing specific information about pesticide use and labeling information;
- xxxiii. The requirement that a handler suspend a pesticide application if a worker or other person is in the application exclusion zone;
- xxxiv. The requirement that a handler be at least 18 years old;
- xxxv. The responsibility of a handler employer to ensure that each handler has received respirator fit-testing, training, and medical evaluation if the pesticide labeling requires the handler to wear a respirator; and
- xxxvi. The responsibility of an agricultural employer to post treated areas as required by this subchapter.

(d) If the handler employer ensures that a handler possesses a copy of a roster indicating that the handler has been trained within the previous 12 months, then the requirements of (a) above will have been met.

(e) When resources become available the Department shall prepare educational pamphlets, written at a fifth grade level, in English and in the native languages of the major groups of handlers working in New Jersey. These pamphlets will be provided to agricultural employers, handler employers, owners, agricultural extension and other agricultural organizations. The pamphlet shall include, but not be limited to, the following areas:

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1. General pesticide health and safety information, preventive practices in the field and in the farm worker residential area, signs and symptoms of pesticide poisoning, first aid and medical care, and methods of seeking assistance from State and Federal agencies if a pesticide problem occurs;
2. The names and addresses of health providers in the vicinity who are trained in pesticide evaluation and have bi-lingual or multi-lingual staff; and
3. The rights of handlers to obtain the pesticide information and training pursuant to this subchapter, as well as rights under other Federal and State laws.

(f) Every handler employer shall provide the pamphlets prepared pursuant to (e) above (if made available by the Department) to all handlers on the first day of their employment, or at least one day prior to the performance of any handling task. Such pamphlets shall be presented to handlers at least once annually.

(g) No trainer shall conduct training of workers or handlers required by this subchapter without receiving recognition as a trainer by the Department.

1. A person currently licensed in New Jersey as a pesticide applicator is exempt from the need to receive recognition as a trainer by the Department, unless training workers or handlers of an employer other than the trainer's employer.

(h) A New Jersey Handler Trainer recognition will be issued if the following conditions are satisfied:

1. The Department receives proof that the person meets at least one of the criteria in (c)1 above; and
2. The trainer demonstrates to the Department a knowledge of relevant New Jersey pesticide laws and regulations.

(i) The Department, when it determines that grounds exist, may:

1. Deny an application for recognition as a handler trainer;
2. Revoke recognition as a handler trainer; or
3. Suspend recognition as a handler trainer;

(j) Each of the following acts shall constitute a ground for which any of the disciplinary actions described in (i) above may be taken:

1. Failing to receive prior Department approval for a handler training program;
2. Refusing, or after notice, failing to comply with any of the provisions of the Act, or any Order issued by the Department thereto;
3. Training in a manner that may result in harm, injury, or damage to persons, property, or the environment, or a significant risk of such harm, injury, or damage;
4. Making false or fraudulent claims through any form of written or verbal communication, misrepresenting the effects of any pesticide or application methods to be utilized;
5. Recording or submitting false or fraudulent Worker Protection Standard handler training rosters;
6. Failing to keep or falsification of required records;
7. Falsifying, or making misleading statements in the application for handler trainer recognition;

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8. Evading or attempting to evade or aiding, abetting, combining with, or conspiring with any person for any purpose which will evade or be in violation of the provisions of the Act or this subchapter; or

9. Providing less information than that required pursuant to this section.

(k) No person who has had their handler trainer recognition revoked or suspended shall train handlers or workers during the time period for which the revocation or suspension is in effect.

(l) Where the Department acts pursuant to (i) above, the Department shall afford a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1, to any person who is aggrieved by the order and who has applied to the Department for a hearing within 15 days of issuance of the order.

(m) In the event of the issuance by EPA of a final order assessing a civil penalty under section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§135 et seq. or a criminal conviction under section 14(b), the Department may suspend or revoke handler trainer recognition of any person so assessed or convicted.

(n) The handler trainer and agricultural employer shall keep a training roster for each handler trained in New Jersey. Such roster shall contain the following information:

1. The full printed name and signature of the handler;
2. The date of training;
3. The name of the trainer and the pesticide applicator license number or Department-issued trainer identification number for the trainer;
4. The handler's native language;
5. The handler's birth date;
6. The name of the agricultural employer and address of agricultural employment;
7. Information identifying which EPA-approved training materials were used; and
8. The email address of the trainer.

(o) All rosters required to be kept pursuant to (n) above shall be kept for a minimum of three years.

(p) All rosters shall be immediately provided upon request by the Department.

(q) The roster of all handlers trained shall be sent to the Department by the trainer or agricultural employer after each training session within 30 days. This requirement includes employee orientation training.

7:30-12.17 Knowledge of labeling and other site-specific information

(a) The handler employer shall ensure that before the handler performs any handling activity involving a pesticide product, the handler either has read the pesticide labeling or has been informed in a manner the handler can understand of all labeling requirements and use directions related to safe use of the pesticide.

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1. The handler employer shall **ensure** that the handler has access to the **applicable pesticide labeling at all times** during handling activities.
2. **The handler employer shall ensure that the handler is aware of requirements for any entry restrictions, application exclusion zones, and restricted-entry intervals that may apply based on the handler's activity.**

(b) Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in, or may walk within one-quarter mile of, and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

1. The specific location and description of any such areas; and
2. Restrictions on entering those areas.

7:30-12.18 Safe operation of equipment

(a) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(b) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or replaced.

(c) Before allowing any person to repair, clean, or adjust equipment used to mix, load, transfer, or apply pesticides, the handler employer shall **ensure** that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. **Before allowing any person not directly employed by the handler employer to clean, repair, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall provide all of the following information to such person:**

1. That **pesticide application** equipment **may be** contaminated with pesticides;
2. The potentially harmful effects of exposure to pesticides;
3. **Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues; and**
4. **Personal hygiene practices and decontamination procedures for preventing pesticide exposure and removing pesticide residues.**

7:30-12.19 Posted pesticide safety information

(a) When handlers, except those employed by a commercial handling establishment, are on an agricultural establishment and, within the last 30 days, a pesticide has been applied on the establishment or a restricted-entry interval has been in effect, the **agricultural** employer shall display, in

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accordance with **this section**, pesticide safety information. **The safety information shall convey, in a manner the handler can understand, all of** the following pesticide safety concepts:

1. Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:
 - i. Avoid getting on your skin or into your body any pesticides that may be on, **or in**, plants, soil, irrigation water, **tractors and other equipment, or used personal protective equipment**, or **pesticides** drifting from nearby applications.
 - ii. Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.
 - iii. Wear work clothing (**long-sleeved shirts, long pants, shoes and socks, and a hat or scarf**) that protects the body from pesticide residues.
 - iv. Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.
 - v. Wash work clothes separately from other clothes before wearing them again.
 - vi. **If pesticides are spilled or sprayed on the body, use decontamination supplies to wash immediately, or rinse off in the nearest clean water, including a spring, stream, lake, or other sources of water if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.**
 - vii. Follow directions about keeping out of treated areas **and application exclusion zones.**
 - viii. **Seek medical attention as soon as possible if you believe that you have been poisoned, injured, or made ill by pesticides.**
2. There are Federal/State rules to protect workers and handlers, including a requirement for safety training.
3. The name, address, and telephone number of **a nearby operating** medical care facility **capable of providing emergency medical treatment. This information shall be clearly identified as emergency medical contact information on the display.**
 - i. The **agricultural** employer shall **update the pesticide safety information display within 24 hours** of any change to the information on emergency medical care facilities.
4. **The following contact information for New Jersey's pesticide regulatory agency:**

**New Jersey Department of Environmental Protection
Bureau of Pesticide Compliance and Enforcement
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(b) The pesticide safety information shall be displayed at each of the following sites on the agricultural establishment:

1. **A location** where it can be readily seen and **read** by handlers and where handlers are likely to congregate or pass by.
2. **Each location on the agricultural establishment where decontamination supplies are provided, but only where the decontamination supplies are located at a permanent site or**

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are provided at a location and in a quantity to meet the requirements of 11 or more workers.

(c) Handlers shall be informed of the location of the information and shall be allowed access to it.

(d) The information shall remain legible during the time it is posted.

7:30-12.20 Handler personal protective equipment

(a) Any person who performs tasks as a pesticide handler shall use the clothing and PPE specified on the labeling for the use of the product.

(b) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

1. Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered PPE for the purposes of this subchapter and are not subject to the requirements of this section, although pesticide labeling may require that such clothing be worn during some activities.

(c) When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate PPE in clean and operating condition to the handler.

1. When "chemical-resistant" PPE is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.
2. When "waterproof" PPE is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.
3. When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one or two piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.
4. When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one or two piece garment, such as a cotton or cotton and polyester coverall, that covers at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.
5. Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.
6. When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear shall be worn:
 - i. Chemical-resistant shoes;

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- ii. Chemical-resistant boots; or
 - iii. Chemical-resistant shoe coverings worn over shoes or boots.
 - 7. When "protective eyewear" is specified by the product labeling, one of the following types of eyewear shall be worn:
 - i. Goggles;
 - ii. A face shield;
 - iii. Safety glasses with front, brow, and temple protection; or
 - iv. A full-face respirator.
 - 8. When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.
 - 9. **If a pesticide label requires that a specific respirator be worn, then that respirator shall be used. Further, the handler employer shall ensure that the requirements of (c)9i, ii, and iii below are met before the handler performs any handler activity where the pesticide label requires a respirator to be worn.**
 - i. **Handler employers shall provide handlers with fit testing using the respirator specified on the pesticide product labeling in a manner that conforms to the provisions of the Occupational Safety and Health Administration (OSHA) requirements for respiratory protection at 29 CFR 1910.134, incorporated herein by reference, as supplemented or amended.**
 - ii. **Handler employers shall provide handlers with training in the use of the respirator specified on the pesticide product labeling in a manner that conforms to the provisions of OSHA respiratory protection at 29 CFR 1910.134(k)(1)(i) through (vi).**
 - iii. **Handler employers shall provide handlers with a medical evaluation by a physician or other licensed health care professional that conforms to the provisions of OSHA respiratory protection at 29 CFR 1910.134 to ensure the handler's physical ability to safely wear the respirator specified on the pesticide product labeling.**
 - iv. **The handler employer shall maintain for three years, on the establishment, records documenting the completion of the requirements of (c)9i, ii, and iii above.**
 - 10. When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.
- (d) The following are exceptions to personal protective equipment specified on the pesticide labeling:
- 1. Concerning body protection.
 - i. A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.
 - ii. A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.
 - 2. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.
 - 3. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn

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- for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.
4. When pesticides are being mixed or loaded using a closed system that meets all of the requirements in (d)4iii below, and the handler employer demonstrates that the requirements of (d)4iv below have been met, the exceptions to labeling-specified PPE for the handling activity are permitted as provided in (d)4i and ii below.
 - i. **Handlers** using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, **protective eyewear**, and any protective gloves specified on the labeling for handlers for the labeling-specified PPE.
 - ii. **Handlers** using a closed system to mix or load pesticides other than those in (d)4i above may substitute **protective eyewear**, a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE.
 - iii. The exceptions in (d)4i and ii above apply only in the following situations:
 - (1) Where the closed system removes the pesticide from its original container and transfers the pesticide product through connecting hoses, pipes, and couplings that are sufficiently tight to prevent exposure of handlers to the pesticide product, except for the negligible escape associated with normal operation of the system.
 - (2) When intact, sealed, water soluble packaging is loaded into a mixing tank or system. If the integrity of a water-soluble packaging is compromised (for example, if the packaging is dissolved, broken, punctured, torn, or in any way allows its contents to escape), it is no longer a closed system and the labeling-specified PPE shall be worn.
 - iv. The exceptions in (d)4i and ii above apply only where the handler employer has satisfied the requirements for handler employers in this subchapter and the following conditions:
 - (1) The handler employer shall provide, for each closed system, written operating instructions that are clearly legible and include: operating procedures for use, including the safe removal of a probe; maintenance, cleaning, and repair; known restrictions or limitations relating to the system, such as incompatible pesticides, sizes (or types) of containers, or closures that cannot be handled by the system; any limits on the ability to measure a pesticide; and special procedures or limitations regarding partially-filled containers.
 - (2) The written operating instructions for the closed system shall be available at the mixing or loading site and shall be made available to any handlers who use the system.
 - (3) Any handler operating the closed system shall be trained in its use and operate the closed system in accordance with its written operating instructions.
 - (4) The closed system shall be cleaned and maintained as specified in the written operating instructions and, as needed, to make sure the system functions properly.
 - (5) All PPE specified in the pesticide product labeling is immediately available to the handler for use in an emergency.
 5. If handling tasks are performed from inside a **vehicle's enclosed** cab, exceptions to PPE specified on the product labeling for that handling activity are permitted as provided in (d)5i, ii, and iii below.

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- i. **Handler's** occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified PPE **for skin and eye protection**. If a respiratory device **other than that described in (d)5ii below** is specified on the product labeling for the handling activity, it shall be worn.
 - ii. **If the pesticide labeling requires applicators to wear a particulate filtering face-piece respirator (NIOSH approval number prefix TC-84A) or a respirator with a dust/mist (particulate) filter as the only respiratory protection, then that respirator need not be worn inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system that is used and maintained in accordance with the manufacturer's written operating instructions.**
 - iii. **Handlers** occupying an enclosed cab shall have all **PPE required by the pesticide labeling** immediately available and stored in a **sealed** container **to prevent contamination**. They shall wear such PPE if it is necessary to exit the cab **within a treated area during application or when a restricted-entry interval is in effect**. Once PPE is worn in the treated area, it shall be removed before reentering the cab **to prevent contamination of the cab**.
6. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.
- i. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A **helmet with a face shield lowered to cover the face** may be substituted for protective eyewear.
 - ii. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified PPE.
7. **If the conditions in (d)7i, ii, and iii below are met, crop advisors and their employees** entering treated areas **to perform crop advising tasks** while a restricted-entry interval is in effect may **substitute either of the following sets of PPE for the PPE specified on the pesticide labeling for handler activities, the personal protective equipment specified on the pesticide label for early entry or coveralls, shoes plus socks, and chemical-resistant gloves made of any waterproof material, and eye protection if the pesticide labeling requires protective eyewear for handlers.**
- i. **The application has been completed for at least four hours;**
 - ii. **No such entry is allowed until any inhalation exposure level listed in the pesticide labeling has been reached or any ventilation criteria required by N.J.A.C. 7:30-12.4(c)3 or in the labeling have been met; and**
 - iii. **The crop advisor or crop advisor employee who enters a treated area during a restricted-entry interval performs only crop advising tasks while in the treated area.**
- (e) The handler employer shall assure that PPE is used correctly for its intended purpose and is used according to the manufacturer's instructions.
1. The handler employer shall assure that, before each day of use, all PPE is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

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(f) The handler employer shall ensure that all PPE is cleaned according to the manufacturer's instructions or pesticide labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

1. If any PPE cannot, or will not, be cleaned properly, the handler employer shall ensure that the contaminated PPE is made unusable as apparel or is made unavailable for further use by employees or third parties. The handler employer shall dispose of the PPE in accordance with any applicable Federal, State, or local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with a pesticide that has the signal word DANGER or WARNING on the label shall not be reused and shall be disposed of as specified in this paragraph. Handler employers shall ensure that any person who handles contaminated PPE described in this paragraph wears the gloves specified on the pesticide labeling for mixing and loading the product(s) comprising the contaminant(s) on the equipment. If two or more pesticides are included in the contaminants, the gloves worn shall meet the requirements for mixing and loading all of the pesticide products. Handler employers shall ensure that any person who handles contaminated PPE described in this paragraph wears the gloves specified on the pesticide product labeling for mixing and loading the product(s) comprising the contaminant(s) on the equipment. If two or more pesticides are included in the contaminants, the gloves worn shall meet the requirements for mixing and loading each of the pesticide products.
2. The handler employer shall ensure that contaminated PPE is kept separately from non-contaminated PPE, other clothing, or laundry, and washed separately from any other clothing or laundry.
3. The handler employer shall ensure that all clean PPE shall be dried thoroughly before being stored or reused.
4. The handler employer shall assure that all PPE is stored separately from personal clothing and apart from pesticide contaminated areas.
5. The handler employer shall ensure that when dust/mist (particulate) filtering facepiece respirators or a respirator with a dust/mist (particulate) filter are used, the filters shall be replaced when one of the following conditions is met:
 - i. When breathing resistance becomes excessive;
 - ii. When the filter element has physical damage or tears;
 - iii. According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent; or
 - iv. In the absence of any other instructions or indications of service life, at the end of each day's work period.
6. The handler employer shall ensure that when gas or vapor-removing respirators are used, the gas or vapor-removing canisters or cartridges shall be replaced before further respirator use when one of the following conditions is met:
 - i. At the first indication of odor, taste, or irritation;
 - ii. When breathing resistance becomes excessive;
 - iii. When required according to the manufacturer's recommendations or pesticide labeling, whichever is more frequent;

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- iv. When the maximum use time is reached as determined by a change schedule conforming to the provisions of the Occupational Safety and Health Administration regulations at 29 CFR 1910.134(d)(3)(iii)(B)(2); or
- v. In the absence of any other instructions or indications of service life, at the end of each day's work period.
- 7. The handler employer shall inform any person who cleans or launders PPE:
 - i. That such equipment may be contaminated with pesticides;
 - ii. Of the potentially harmful side effects of exposure to pesticides;
 - iii. Of the correct way(s) to clean PPE and to protect themselves when handling such equipment; and
 - iv. Of the proper decontamination procedures that should be followed after handling contaminated personal protective equipment.
- 8. The handler employer shall ensure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:
 - i. Store personal clothing not worn during handling activities;
 - ii. Put on PPE at the start of any exposure period; and
 - iii. Remove PPE at the end of any exposure period.
- 9. The handler employer shall not allow or direct any handler to wear home or take home employer-provided PPE contaminated with pesticides.

(g) When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

7:30-12.21 Handler decontamination

(a) The handler employer shall provide decontamination and eyeflushing supplies in accordance with this section for any handler that is performing any handler activity or removing personal protective equipment at the place for changing required pursuant to N.J.A.C. 7:30-12.20(f)8.

(b) The handler employer shall provide handlers with at least three gallons of water per handler at the beginning of each handler's work period for routine washing and potential emergency decontamination. At all times when the water is required to be available to handlers, the handler employer shall ensure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

- 1. If a water source is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless equipped with properly functioning valves or other mechanisms that prevent contamination of the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient to prevent contamination.
- 2. The handler employer shall provide soap and single-use towels for drying at each decontamination site in quantities sufficient to meet handlers' needs. Hand-sanitizing gels

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and liquids, or wet towelettes do not meet the requirements for soap. Wet towelettes do not meet the requirement for single use towels.

3. The handler employer shall provide one clean change of clothing, such as coveralls, at each decontamination site for use in an emergency.

(c) The decontamination supplies shall be located together and reasonably accessible to each handler during the handler activity and not more than one-quarter mile from each handler during the handling activity; or at the site of a required toilet, whichever is closer.

1. Decontamination supplies shall be provided at any mixing site.
2. The decontamination supplies for a pilot who is applying pesticides aerially shall be in the aircraft or at the aircraft's loading site.
3. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:
 - i. The soap, single-use towels, and water may be at the nearest place of vehicular access outside the treated area.
4. The decontamination supplies shall not be in an area being treated with pesticides or in an area that is under a restricted-entry interval, unless the soap, single use towels, water and clean change of clothing are protected from pesticide contamination in enclosed containers.

(d) Whenever a handler is mixing or loading a pesticide that has labeling requiring protective eyewear for handlers, or is mixing or loading any pesticide using a closed system operating under pressure, the handler employer shall provide at each mixing/loading site immediately available to the handler, at least one system that is capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes.

(e) Whenever a handler is applying a pesticide that has labeling requiring protective eyewear for handlers, the handler employer shall provide at least one pint of water per handler in portable containers that are immediately available to each handler.

(f) At the end of any exposure period, the handler employer shall provide, at the site where handlers remove PPE, soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly.

7:30-12.22 Emergency assistance by commercial pesticide handling establishments

(a) If there is reason to believe that a handler employed by the commercial pesticide handling establishment has experienced a potential pesticide exposure during employment by the commercial pesticide handling establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within 72 hours after employment by the commercial pesticide handling establishment, and needs emergency medical treatment, the commercial pesticide handler employer shall do all of the following promptly after learning of the possible poisoning or injury:

1. Make available to that person transportation from the commercial pesticide handling establishment, or any agricultural establishment on which that handler may be working

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- on behalf of the commercial pesticide handling establishment, to an operating medical care facility capable of providing emergency medical treatment to a person exposed to pesticides; and
2. Provide all of the following information to that person and to treating medical personnel:
 - i. A copy of the applicable safety data sheet and the product name, EPA registration number, and active ingredients of any pesticide to which that person may have been exposed;
 - ii. The circumstances of application or use of the pesticide; and
 - iii. The circumstances that could have resulted in exposure of that person to the pesticide.