ASSEMBLY, No. 3382

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)

SYNOPSIS

Requires use of uniform silver flags to mark certain pesticide applications.

CURRENT VERSION OF TEXT

As introduced.

AN ACT requiring the use of uniform silver flags to mark certain pesticide applications and supplementing P.L.1971, c.176 (C.13:1F-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. Every commercial pesticide applicator shall use flags to mark pesticide applications. The flags used shall be silver in color and be of a uniform type and size, and shall provide information in English and Spanish. Each flag shall stay in place for a minimum of 72 hours after the pesticide application.

b. No person shall use a silver flag in a manner that is reasonably likely to be confused with a pesticide application, including but not limited to, markings for invisible dog fences, underground utility lines, septic tanks, and underground piping.

c. The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate this act.

2. This act shall take effect one year after the date of enactment, but the Commissioner of Environmental Protection may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill requires every commercial pesticide applicator to use uniform silver flags to mark areas on which pesticides have been applied. The flags used must be silver in color, must be a uniform size and type, must provide information in English and Spanish, and must stay in place for a minimum of 72 hours after the pesticide application.

In addition, the bill would prohibit the use of silver flags to mark anything likely to be confused with a pesticide application. The exclusive color requirement is intended to distinguish pesticide flags from, among other things, those used for invisible dog fences, underground utility lines, septic tanks, and underground piping.

The bill also directs the Department of Environmental Protection to promulgate rules and regulations effectuating these requirements.