ASSEMBLY, No. 1499

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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
Introduced Pending Technical Review by Legislative Counsel.
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 Commissioner of Environmental Protection 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 Commissioner of Environmental
Protection to promulgate rules and regulations effectuating these
requirements.