

**ASSEMBLY, No. 1499**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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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.



1 AN ACT requiring the use of uniform silver flags to mark certain  
2 pesticide applications and supplementing P.L.1971, c.176  
3 (C.13:1F-1 et seq.).  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. a. Every commercial pesticide applicator shall use flags to  
9 mark pesticide applications. The flags used shall be silver in color  
10 and be of a uniform type and size, and shall provide information in  
11 English and Spanish. Each flag shall stay in place for a minimum  
12 of 72 hours after the pesticide application.

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

17 c. The Commissioner of Environmental Protection shall adopt,  
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
19 (C.52:14B-1 et seq.), rules and regulations to effectuate this act.  
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21 2. This act shall take effect one year after the date of  
22 enactment, but the Commissioner of Environmental Protection may  
23 take such anticipatory administrative action in advance thereof as  
24 shall be necessary for the implementation of this act.  
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#### STATEMENT

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

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

40 The bill also directs the Commissioner of Environmental  
41 Protection to promulgate rules and regulations effectuating these  
42 requirements.