

G.S. 150B-21.3A Report for 02 NCAC 09L, PESTICIDE SECTION

Agency - Pesticide Board

Comment Period - September 22, 2025 - November 21, 2025

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d)(1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|------------------------------------|---|-------------------|--|---|--|---|-----------------------------|--|--|
| SUBCHAPTER 09L - PESTICIDE SECTION | SECTION .0100 - ORGANIZATIONAL RULES | 02 NCAC 09L .0102 | DUTIES (CONTINUED) | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0103 | ASSIGNMENT OF DUTIES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .0300 - REGISTRATION | 02 NCAC 09L .0301 | REGISTRATION CUSTOM-BLENDED PESTICIDE-FERTILIZER MIXTURES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0306 | ADDITIONAL INFORMATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0308 | REGISTRATION FOR THE FOLLOWING YEAR | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0310 | REREGISTRATION | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0313 | REFUNDS OF FEES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0316 | COMMON AND CHEMICAL NAMES OF PESTICIDES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0317 | REGISTRATION OF PESTICIDES TO MEET SPECIAL LOCAL NEEDS | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR part 162 Subpart D | No | Necessary |
| | | 02 NCAC 09L .0318 | EXEMPTION OF AGENCIES FOR USE OF PESTICIDES IN EMERGENCIES | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 166 | No | Necessary |
| | SECTION .0400 - SAMPLES AND SUBMISSIONS | 02 NCAC 09L .0402 | TOLERANCES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .0500 - PESTICIDE LICENSES | 02 NCAC 09L .0502 | LIST OF RESTRICTED USE PESTICIDES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0503 | PESTICIDE APPLICATORS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0504 | DEFINITIONS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0505 | CLASSIFICATIONS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0506 | GOVERNMENTAL WORKERS | Amended Eff. November 1, 2024 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0507 | CATEGORIES OF CONSULTANTS | Amended Eff. November 1, 2024 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0509 | CONSULTANT EDUCATION REQUIREMENTS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |

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| | | 02 NCAC 09L .0512 | AGE REQUIREMENT | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0516 | CONTINUANCES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0517 | PASSING GRADES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0519 | CERTIFICATION | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0520 | RECERTIFICATION REQUIREMENTS | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0522 | RECERTIFICATION OPTIONS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0523 | RECERTIFICATION IN ADDITIONAL CATEGORIES | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0524 | EXPIRATION OF CERTIFICATION | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0525 | RECERTIFICATION OF PESTICIDE DEALERS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0526 | PESTICIDE DEALER RECERTIFICATION OPTIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0527 | EXPIRATION OF PESTICIDE DEALER CERTIFICATION | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0528 | RECERTIFICATION CREDIT APPROVAL | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0530 | PROHIBITED ACTS | Eff. July 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .0531 | PESTICIDE LICENSE EXAMINATION REQUIREMENT | Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | SECTION .0600 - PESTICIDE AND PESTICIDE CONTAINER DISPOSAL | 02 NCAC 09L .0601 | DEFINITIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0602 | DISPOSAL OF PESTICIDES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0603 | DISPOSAL OF PESTICIDE CONTAINERS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |

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|------------|---|-------------------|--|---|--|---|-----------------------------|--|--|
| | | 02 NCAC 09L .0604 | PROHIBITED DISPOSAL PROCEDURES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | SECTION .0700 - DECLARATION OF PESTS AND RESTRICTIONS ON THEIR CONTROL | 02 NCAC 09L .0701 | ORCHARD RATS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0702 | RESTRICTIONS CONCERNING CONTROL OF ORCHARD RATS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0703 | GULLS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0705 | RESTRICTIONS CONCERNING CONTROL OF PIGEONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0706 | RED-WINGED BLACKBIRD | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .0707 | EASTERN AND HAIRY-TAILED MOLES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .0800 - BULK DISTRIBUTION OF PESTICIDES | 02 NCAC 09L .0810 | ADOPTION BY REFERENCE | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 165 Subpart E | No | Necessary |
| | SECTION .1000 - AERIAL APPLICATION OF PESTICIDES | 02 NCAC 09L .1001 | DEFINITIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1002 | GENERAL REQUIREMENTS | Amended Eff. November 1, 2024 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1003 | DRIFT CONTROL | Amended Eff. November 1, 2024 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1005 | RESTRICTED AREAS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1006 | EXEMPTIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1009 | NOTIFICATION OF APIARIES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .1100 - PRIVATE PESTICIDE APPLICATOR CERTIFICATION | 02 NCAC 09L .1102 | DEFINITIONS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1103 | CERTIFICATION EXAMINATION | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1104 | SINGLE PURCHASE EMERGENCY CERTIFICATION PERMIT | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1105 | APPLICATIONS UNDER SUPERVISION OF CERTIFIED APPLICATOR | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1107 | AGE LIMITATIONS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |

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|------------|--|-------------------|---|---|--|---|-----------------------------|--|--|
| | | 02 NCAC 09L .1108 | TERM OF CERTIFICATION; RECERTIFICATION | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1109 | CERTIFICATION OF PRIVATE APPLICATORS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1110 | RECERTIFICATION BY EXAMINATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1111 | CERTIFICATION/RECERTIFICATION FEE | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1112 | PROHIBITED ACTS | Eff. July 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | SECTION .1200 - ARSENIC TRIOXIDE | 02 NCAC 09L .1201 | RESTRICTIONS ON USE AND STORAGE | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1202 | PESTICIDE DEALER AND PURCHASER RESPONSIBILITY | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .1300 - AVAILABILITY OF RESTRICTED USE PESTICIDES | 02 NCAC 09L .1301 | DEFINITIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1302 | GENERAL REQUIREMENTS | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1303 | EXEMPTIONS | Amended Eff. November 1, 2024 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1305 | RECORD KEEPING REQUIREMENTS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | | 02 NCAC 09L .1306 | RECIPIENT IDENTIFICATION | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | SECTION .1400 - GROUND APPLICATION OF PESTICIDES | 02 NCAC 09L .1401 | DEFINITIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1402 | RECORD KEEPING REQUIREMENTS | Amended Eff. November 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 171 | No | Necessary |
| | SECTION .1800 - WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES | 02 NCAC 09L .1805 | ADOPTION BY REFERENCE | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 170 | No | Necessary |
| | | 02 NCAC 09L .1806 | CROP ADVISOR EXEMPTION | Readopted Eff. August 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 40 CFR Part 170 | No | Necessary |

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|------------|--|-------------------|---|---|--|---|-----------------------------|--|--|
| | SECTION .1900 - PESTICIDE STORAGE | 02 NCAC 09L .1901 | DEFINITIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1902 | STORAGE REQUIREMENTS FOR ALL PESTICIDES | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1905 | STORAGE FACILITY REQUIREMENTS: RUP | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1906 | LARGE STORAGE FACILITY REQUIREMENTS: RUP | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1907 | PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1908 | CONTENT OF CONTINGENCY PLAN | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1909 | COPIES OF CONTINGENCY PLAN | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1911 | AMENDMENT OF CONTINGENCY PLAN | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .1914 | BULK STORAGE REQUIREMENTS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .2000 - CHEMIGATION | 02 NCAC 09L .2001 | DEFINITIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2002 | APPLICATION OF PESTICIDES THROUGH IRRIGATION SYSTEMS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2003 | PROHIBITION OF CONNECTION TO A PUBLIC WATER SYSTEM | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2004 | INSPECTION: INSTALLATION: MAINTENANCE AND MODIFICATIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | SECTION .2100 - HEARING RULES OF THE NORTH CAROLINA PESTICIDE BOARD | 02 NCAC 09L .2101 | NOTICE OF HEARING: ANSWER | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2102 | RIGHT TO HEARING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2103 | LOCATION OF HEARING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2104 | INTERVENTION; DISCOVERY | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2105 | SUBPOENAS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |

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|------------|--|-------------------|--|---|--|---|-----------------------------|--|--|
| | | 02 NCAC 09L .2106 | CONDUCT OF HEARING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2107 | DECISION OF BOARD | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018 | Necessary | No | n/a | No | Necessary |
| | SECTION .2200 - INTERIM PROTECTION MEASURES FOR THE CAROLINA HEELSPLITTER MUSSEL | 02 NCAC 09L .2201 | DEFINITIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2202 | PESTICIDE USE LIMITATION AREAS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 09L .2203 | PESTICIDES WITH ADDITIONAL USE LIMITATIONS | Readopted Eff. August 1, 2020 | Necessary | No | n/a | No | Necessary |