

# ***NORTH CAROLINA REGISTER***

**VOLUME 39 • ISSUE 11 • Pages 651 – 723**

**December 2, 2024**

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**PUBLISHED BY**

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2024 – December 2024

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
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39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

\*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.





# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 23, 2024

## EXECUTIVE ORDER NO. 323

### MEETING THE NEEDS OF THE DIVISION OF MOTOR VEHICLES IN RESPONSE TO HURRICANE HELENE

**WHEREAS**, Hurricane Helene ("Helene") entered the State of North Carolina on September 26, 2024 as a tropical storm; and

**WHEREAS**, Helene has inflicted significant damage on public and private property; and

**WHEREAS**, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, Executive Order No. 315 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

**WHEREAS**, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders, rules, and regulations within the limits of the authority conferred upon him in the North Carolina Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(4) authorizes the undersigned, with the concurrence of the Council of State, to waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(5) authorizes the undersigned to perform and exercise such functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the undersigned may delegate any authority vested in him under the Emergency Management Act and provide for the subdelegation of that authority; and

**WHEREAS**, the execution of the undersigned’s emergency powers under N.C. Gen. Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

**WHEREAS**, N.C. Const. art. I § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, the Secretary of the North Carolina Department of Transportation (“the Secretary”) is charged with overseeing and managing the Division of Motor Vehicles (“DMV”); and

**WHEREAS**, weather events associated with Helene will likely result in the total or near-total loss of thousands of vehicles; and

**WHEREAS**, the fees associated with application for a salvage title may be burdensome for many residents in areas affected by Helene; and

**WHEREAS**, weather events associated with Helene will likely result in the loss of credentials, difficulty accessing DMV services, and delay of services at DMV offices in the impacted counties; and

**WHEREAS**, the expeditious issuance of vital motorist records, identification, and documentation, the waiver of certain late fees and waiting periods, and the extension of certain licenses and requirements will help support long-term disaster recovery; and

**WHEREAS**, House Bill 149, N.C. Sess. Law 2024-51, (the “Disaster Recovery Act of 2024”) which was signed into law October 10, 2024, provides that the undersigned shall waive certain fees assessed by DMV; and

**WHEREAS**, further action consistent with the Disaster Recovery Act of 2024 and the North Carolina Emergency Management Act is necessary to facilitate the expeditious issuance of vital motorist records, identification, and documentation and the waiver of certain late fees; and

**WHEREAS**, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned has made the determination that it is in the public interest to suspend the collection of certain motor vehicle fees and provide relief to certain motorists.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Suspension of Certain Fees**

This Executive Order only relates to vehicles, as defined by N.C. Gen. Stat. § 20-4.01(49), which are owned in the North Carolina counties identified in the FEMA Major Disaster Declaration, FEMA-4827-DR (“Designated Counties”).

The DMV Commissioner is authorized to suspend the assessment and collection of the following:

- A. Fees owed pursuant to N.C. Gen. Stat. §§ 20-85(a)(2), (4)-(6), (10) when processing applications for duplicate or corrected certificates of title, processing applications for duplicate registration cards, processing applications for salvage certificates of title, and issuing replacement registration plates and/or stickers for vehicles registered in Designated Counties.
- B. Fees owed pursuant to N.C. Gen. Stat. § 20-14 when issuing duplicate drivers’ and commercial drivers’ licenses for residents of Designated Counties.
- C. Fees owed pursuant to N.C. Gen. Stat. § 20-37.7(d) when issuing special identification cards for residents of Designated Counties.

- D. Fees owed pursuant to N.C. Gen. Stat. §§ 20-14, 20- 37.7(d) when issuing duplicate special identification cards for residents of Designated Counties.

A motorist who qualifies for relief under this Section is entitled to a refund of any fee identified in the above subsections (A)-(D) that was assessed and collected by DMV after September 26, 2024.

- E. Late fees owed pursuant to N.C. Gen. Stat. § 20-88.03, including those for DMV tags and dealers' licenses, by residents of Designated Counties.
- F. Late interest payments owed pursuant to N.C. Gen. Stat. § 105-330.4 by residents of Designated Counties.
- G. Late title fees owed pursuant to N.C. Gen. Stat. § 20-73(c) by residents of Designated Counties.
- H. Late fees and interest owed pursuant to N.C. Gen. Stat. § 20-88.03 in connection with limited registration plates and vehicle registration renewals for limited registrations that expired on or after September 30, 2024, within Designated Counties.

A motorist qualifying for relief under this Section is entitled to a refund of the late fees and/or interest identified in the above subsections (E)-(H) if the following apply:

- I. The late fees and/or interest arose from a vehicle with a registration that expired on or after August 31, 2024, and
- J. The late fees and/or interest were assessed and collected by the DMV after September 25, 2024.

**Section 2. Suspension of Duplicate Title Waiting Period**

The DMV Commissioner is authorized to suspend the waiting period on issuing duplicate titles for motor vehicles registered in Designated Counties after application pursuant to N.C. Gen. Stat. § 20-68(b).

**Section 3. Extension of Certain Licenses**

The DMV Commissioner is authorized to extend the following through December 31, 2024:

- A. Safety inspection mechanic licenses issued pursuant to N.C. Gen. Stat. § 20-183.4B, within Designated Counties.
- B. Emissions inspection mechanic licenses issued pursuant to N.C. Gen. Stat. § 20-183.4A, within Designated Counties.
- C. Motor vehicle dealer licenses and motor vehicle sales representative licenses issued pursuant to N.C. Gen. Stat. § 20-288, within Designated Counties.
- D. Motor vehicle dealer license plates issued pursuant to N.C. Gen. Stat. § 20-79, within Designated Counties.

**Section 4. Suspension of Certain Requirements**

The DMV Commissioner is authorized to suspend the following through December 31, 2024:

- A. State safety and emissions inspection requirements for vehicle registration renewals for vehicles registered within Designated Counties pursuant to N.C. Gen. Stat. § 20-66(j).
- B. Motor vehicle dealer education requirements for motor vehicle dealer license renewals

for motor vehicle dealers registered within Designated Counties pursuant to N.C. Gen. Stat. § 20-288(a1)(2).

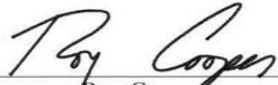
**Section 5. No Private Right of Action**

This Executive Order is not intended to create, and does not create any individual right, privilege, or benefit, whether substantive or procedural, enforceable to law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

**Section 6. Effect and Duration**

This Executive Order is effective immediately, unless otherwise stated, and shall remain in effect through December 31, 2024, unless repealed, replaced, or rescinded by another applicable Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23<sup>rd</sup> day of October in the year of our Lord two thousand and twenty-four.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 25, 2024

## EXECUTIVE ORDER NO. 324

### EXTENDING TRANSPORTATION WAIVERS FOR DESIGNATED COUNTIES AND EXTENDING PRICE GOUGING PROTECTIONS

**WHEREAS**, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

**WHEREAS**, Helene has inflicted significant damage on public and private property; and

**WHEREAS**, impacts from Helene constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

**WHEREAS**, Executive Order No. 315 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

**WHEREAS**, Executive Order No. 315 is set to expire October 25, 2024, however, the undersigned has determined that certain transportation waivers should be reissued for those counties impacted by Helene; and

**WHEREAS**, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

**WHEREAS**, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

**WHEREAS**, N.C. Const. art. I § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70(g), based on the damage to the road infrastructure in several communities of western North Carolina, the North Carolina Commissioner of Agriculture has determined there is still the existence of an imminent threat of severe economic loss of crops ready to be harvested, and recommends to the Governor that he continue to direct the North Carolina Department of Public Safety (“DPS”) to temporarily suspend weighing vehicles used for crops ready to be harvested; and

**WHEREAS**, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by the North Carolina Department of Transportation (“DOT”) on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety; and

**WHEREAS**, On October 24, 2024, the United States Department of Transportation (“USDOT”), Federal Motor Carrier Safety Administration (“FMCSA”), has determined that an emergency exists and warrants an extension of the relief that was granted in the Regional Declarations of Emergency and Extension of Emergency Declarations Nos. 2024-008 and Nos. 2024-010 from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (“FMCSRs”) for North Carolina and other states affected by Helene and Milton; and

**WHEREAS**, due to gradually improving conditions in the impacted counties, other transportation waivers in Executive Order No. 315 may expire at this time; and

**WHEREAS**, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned has made the determination that it is in the public interest to keep in place the limited suspension of weighing crops ready to be harvested to minimize the risk of severe economic loss or damage in the Designated Counties (as defined herein); and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.23, in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency, or normal market disruptions.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1.**

DPS shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g) temporarily suspend weighing pursuant to N.C. Gen. Stat. § 20-118.1 vehicles used to transport crops ready to be harvested for those North Carolina counties identified in the FEMA Major Disaster Declaration, FEMA-4827-DR (“Designated Counties”).

**Section 2.**

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (“GVWR”) or 90,000 pounds gross weight, whichever is less.
- b. When the vehicle weight exceeds a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- c. When the vehicle consists of a five (5) or more axle combination vehicle that exceeds a single-axle weight of 26,000 pounds, a tandem-axle weight of 42,000 pounds and a gross weight 90,000 pounds, with a length of at least forty-eight (48) feet between the center of axle one and the center of the last axle of the vehicle and a minimum of eleven (11) feet between the center of axle one and the center of axle two of the vehicle.
- d. When the vehicle consists of a two-axle vehicle that exceeds a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least fourteen (14) feet between the center of axle one and the center of axle two of the vehicle.
- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination’s length exceeds seventy-five (75) feet from bumper to bumper.

- f. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.
- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>

**Section 3.**

This suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by DOT on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety.

**Section 4.**

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1-3 of this Executive Order in a manner that does not endanger North Carolina motorists.

**Section 5.**

I order all state and local government entities and agencies to continue to cooperate in the implementation of the provisions of this Executive Order and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

I delegate to the Secretary of DPS, or the Secretary's designee, all power and authority granted to and required of me by Article IA of Chapter 166A of the North Carolina General Statutes to implement the Plan and deploy the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

The DPS Secretary, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

**Section 6.**

I further direct the DPS Secretary, or the Secretary's designee, to seek assistance from any agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

**Section 7.**

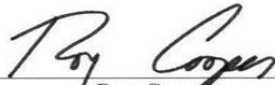
Pursuant to N.C. Gen. Stat. § 166A-19.23, the statewide prohibition against excessive pricing is hereby extended, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, through the duration of the State of Emergency.

The undersigned encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

**Section 8.**

This Executive Order is effective immediately. Section 1 shall remain in effect for thirty (30) days, unless otherwise rescinded or extended by applicable Executive Order. The remainder of this Executive Order shall remain in effect through the duration of the State of Emergency, unless otherwise rescinded.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25<sup>th</sup> day of October in the year of our Lord two thousand and twenty-four.



Roy Cooper  
Governor

**ATTEST:**



Rodney S. Maddox  
Chief Deputy Secretary of State





NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor  
**KODY H. KINSLEY** • Secretary  
**MARK BENTON** • Chief Deputy Secretary for Health  
**KELLY KIMPLE** • Acting Director, Division of Public Health

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Brett Weiber  
Norweco Inc  
220 Republic St  
Norwalk, OH 44857

For: Innovative Approval for the Norweco Singulair, Singulair Green Model 960, and Hydro-Kinetic Bio-Film Reactor

Application by: Travis Genshock  
Hydro-Action Industries  
PO Box 640  
Plymouth, IN 46563

For: Innovative Approval for the AN Series

DHHS Contact: Wilson Mize  
919-270-9665  
Fax: 919-845-3973  
[wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov)

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, [wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov), or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609  
MAILING ADDRESS: 1642 Mail Service Center, Raleigh, NC 27699-1642  
[www.ncdhhs.gov](http://www.ncdhhs.gov) • TEL: 919-707-5874 • FAX: 919-845-3972

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North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: **BOTERO CARTS LLC**

Applicant's Address: **524-A N HOWE STREET SOUTHPORT, NORTH CAROLINA  
28461**

Application Date: **11/04/2024**

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: **CHRISTOPHER BOTERO – MEMBER OWNER**

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: TrailMaxx Trailer Sales LLC

Applicant's Address: 15500 US HWY 271 North, Talco TX 75487

Application Date: 9/25/2024

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Gonzalo Cardenas-Owner/Manager

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

Rule-making Agency: Board of Barber Examiners

Rule Citation: 21 NCAC 06N .0119

Effective Date: November 18, 2024

Findings Reviewed and Approved by the Codifier: November 5, 2024

Reason for Action: The General Assembly mandated adoption of emergency rules under Session Law 2024-53. The legislation required agencies to offer regulatory flexibility for employment-related certifications in response to the devastation caused by Hurricane Helene in western North Carolina.

CHAPTER 06 - BARBER AND ELECTROLYSIS EXAMINERS

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0119 2024 HURRICANE RELIEF

(a) For the purpose of this rule, "affected individuals" mean persons who reside or own a business licensed or permitted by the board in one of the following counties:

- (1) Alexander;
(2) Alleghany;
(3) Ashe;
(4) Avery;
(5) Buncombe;
(6) Burke;
(7) Cabarrus;
(8) Caldwell;
(9) Catawba;
(10) Cherokee;
(11) Clay;
(12) Cleveland;
(13) Forsyth;
(14) Gaston;
(15) Graham;
(16) Haywood;
(17) Henderson;
(18) Iredell;
(19) Jackson;
(20) Lee;
(21) Lincoln;
(22) Macon;
(23) Madison;
(24) McDowell;
(25) Mecklenburg;

- (26) Mitchell;
(27) Nash;
(28) Polk;
(29) Rowan;
(30) Rutherford;
(31) Stanly;
(32) Surry;
(33) Swain;
(34) Transylvania;
(35) Union;
(36) Watauga;
(37) Wilkes;
(38) Yadkin; or
(39) Yancey.

(b) G.S. 86B-57 notwithstanding, an electrologist who is an affected individual and whose license expires between September 1, 2024, and February 28, 2025, shall have the license-renewal deadline extended to March 1, 2025.

(c) The board shall issue temporary permits to practice barbering to affected individuals who apply or applied between September 1, 2024, and February 28, 2025, to take the apprentice barber exam as set forth in 21 NCAC 06N .0105. These temporary permits shall be effective for six months, G.S. 86B-27(a) notwithstanding. If board receives requests for temporary permits between November 18, 2024, and March 1, 2025 from affected individuals who have failed the apprentice examination required by G.S. 86B-40 at least twice, the board shall issue temporary permits, G.S. 86B-27(a) notwithstanding.

(d) If an affected individual provides barbering services under a temporary permit issued as set forth in Paragraph (c) of this Rule, the board shall credit the period of services toward the 12-month apprenticeship required by G.S. 86B-23(2). This period of services must be documented in the affidavit required by G.S. 86B-23(4).

(e) The board shall allow an affected individual who has held an apprentice barber license for three years and whose license expired or expires between September 1, 2024, and February 28, 2025, to take the licensed barber exam, G.S. 86B-40(c) notwithstanding. The affected individual must submit the licensed barber exam application as set forth in 21 NCAC 06N .0106 by March 1, 2025. Upon receipt of a complete application, the board shall issue a temporary permit with a deadline of June 30, 2025, to the affected individual so that he or she can practice barbering while meeting the requirements to be a licensed barber.

(f) Affected individuals shall submit requests for the temporary permits required under this Rule as set forth in Rule .0117 of this Subchapter.

History Note: Authority S.L. 2024-53, s. 4E.1.(b); Eff. November 14, 2024.

**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day.

This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Rule-making Agency:** *Wildlife Resources Commission*

**Rule Citation:** *15A NCAC 10F .0304*

**Effective Date:** *November 8, 2024*

**Date Approved by the Rules Review Commission:** *October 30, 2024*

**Reason for Action:** *A serious and unforeseen threat to the public health, safety or welfare. The agency was notified of a serious safety hazard caused by amendments allowing unrestricted directional operation of motorboats in the restricted area of White Lake. The restricted area is 500 feet from the shoreline around the entire perimeter of the lake. Because of the size of the restricted area and the shallow water in that portion of the lake, swimming within the restricted area is common. The proposed amendment will require motorboats to travel perpendicular to the shore and at no wake speed within the restricted area at White Lake, thus mitigating the hazard. An emergency rule was adopted because White Lake is busiest with boat traffic and swimmers in the summer months, specifically Memorial Day through Labor Day. The safety hazard created by unrestricted motorboat movement in the extensive restricted zone where people were swimming could be life threatening to the public. This temporary rule replaces the emergency rule.*

- (A) the waters shore to shore between a point 100 yards east and 100 yards west of the ferry cable at Elwell Ferry and Elwells Ferry Boating Access Area, 2702 Elwell Ferry Road, Council;
  - (B) the waters within 50 yards of the Tar Heel Boating Access Area, 1000 Wildlife Landing Drive, Tar Heel; and
  - (C) the waters within 50 yards of the Tory Hole Boating Access Area, 335 N. Poplar Street, Elizabethtown.
- (3) Black River. The waters within 50 yards of the Hunts Bluff Boating Access Area, 351 Hunts Bluff Road, Kelly.

(b) Restricted Area. ~~Skiing is prohibited~~ Motorboats, as defined in G.S. 75A-2(1e), shall not be operated on a course parallel to the shoreline in the restricted area described in Subparagraph (a)(1) of this Rule.

(c) Diving. A person engaged in skin or scuba diving shall display a diver's flag, and no vessel shall approach within 50 feet of a diver's flag, as described in G.S. 75A-13.1.

(d) Speed Limit. No person shall operate a ~~vessel~~ motorboat at greater than no-wake speed within the regulated areas described in Subparagraphs (a)(1) and (3), and Parts (a)(2)(A) through (C) of this Rule.

(e) Placement and Maintenance of Markers. The following agencies shall place and maintain the markers implementing this Rule:

- (1) North Carolina State Parks for the regulated area designated in Subparagraph (a)(1) of this Rule; and
- (2) the North Carolina Wildlife Resources Commission for the regulated areas designated in Parts (a)(2)(A) through (C), and Subparagraph (a)(3) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. April 1, 1990; August 1, 1988; June 17, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. June 1, 2024; October 1, 2018. 2018; Emergency Amendment Eff. August 5, 2024; Temporary Amendment Eff. November 8, 2024.*

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY REGULATIONS**

**15A NCAC 10F .0304 BLADEN COUNTY**

(a) Regulated Areas. This Rule applies to the following waters in Bladen County:

- (1) White Lake. The water between the shoreline and ~~no wake~~ regulatory markers 500 feet from the shoreline is a ~~restricted area~~. Restricted Area.
- (2) Cape Fear River:

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**APPROVED RULES**

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*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on October 30, 2024.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**PESTICIDE BOARD**

<u>Pesticide Applicators</u>	02 NCAC 09L .0503*	38:23 NCR
<u>Definitions</u>	02 NCAC 09L .0504*	38:23 NCR
<u>Classifications</u>	02 NCAC 09L .0505*	38:23 NCR
<u>Governmental Workers</u>	02 NCAC 09L .0506*	38:23 NCR
<u>Categories of Consultants</u>	02 NCAC 09L .0507*	38:23 NCR
<u>Age Requirement</u>	02 NCAC 09L .0512	38:23 NCR
<u>Recertification Options</u>	02 NCAC 09L .0522*	38:23 NCR
<u>Pesticide License Examination Requirement</u>	02 NCAC 09L .0531*	38:23 NCR
<u>General Requirements</u>	02 NCAC 09L .1002*	38:23 NCR
<u>Drift Control</u>	02 NCAC 09L .1003	38:23 NCR
<u>Definitions</u>	02 NCAC 09L .1102*	38:23 NCR
<u>Certification Examination</u>	02 NCAC 09L .1103*	38:23 NCR
<u>Applications Under Supervision of Certified Applicator</u>	02 NCAC 09L .1105*	38:23 NCR
<u>Age Limitations</u>	02 NCAC 09L .1107*	38:23 NCR
<u>Term of Certification; Recertification</u>	02 NCAC 09L .1108*	38:23 NCR
<u>Certification of Private Applicators</u>	02 NCAC 09L .1109	38:23 NCR
<u>Exemptions</u>	02 NCAC 09L .1303*	38:23 NCR
<u>Record Keeping Requirements</u>	02 NCAC 09L .1305*	38:23 NCR
<u>Record Keeping Requirements</u>	02 NCAC 09L .1402*	38:23 NCR

**CHILD CARE COMMISSION**

<u>Staff/Child Ratios for Centers</u>	10A NCAC 09 .0713*	39:01 NCR
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**RADIATION PROTECTION COMMISSION**

<u>Purpose and Scope</u>	10A NCAC 15 .0801*	38:19 NCR
<u>Definitions</u>	10A NCAC 15 .0802*	38:19 NCR
<u>Personnel Requirements</u>	10A NCAC 15 .0803*	38:19 NCR
<u>Operating Requirements</u>	10A NCAC 15 .0804*	38:19 NCR
<u>Area Requirements</u>	10A NCAC 15 .0805*	38:19 NCR
<u>Equipment Requirements</u>	10A NCAC 15 .0806*	38:19 NCR
<u>Security Screening Equipment Requirements for Government ...</u>	10A NCAC 15 .0807*	38:19 NCR
<u>Other Equipment Requirements</u>	10A NCAC 15 .0808*	38:19 NCR

**PUBLIC HEALTH, COMMISSION FOR**

<u>Reportable Diseases and Conditions</u>	10A NCAC 41A .0101*	38:23 NCR
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**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Medical Examination</u>	12 NCAC 09B .0104*	38:18 NCR
<u>Administration of Criminal Justice Schools</u>	12 NCAC 09B .0201*	38:24 NCR

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*APPROVED RULES*

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<u>Certification of Qualified Assistant</u>	12 NCAC	09B	.0504*	38:18 NCR
<u>Terms and Conditions of Qualified Assistant Certification</u>	12 NCAC	09B	.0505*	38:18 NCR
<u>Post Delivery Report of Training Course Presentation</u>	12 NCAC	09C	.0212*	38:24 NCR
<u>Lateral Transfer of Local Confinement Personnel</u>	12 NCAC	09C	.0309*	38:18 NCR
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC	09C	.0310*	38:18 NCR
<u>Minimum Training Specifications: Annual In-Service Training</u>	12 NCAC	09E	.0105	38:24 NCR
<u>Age</u>	12 NCAC	09G	.0203	38:24 NCR
<u>Medical Examination</u>	12 NCAC	09G	.0205*	38:18 NCR
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC	09G	.0211*	38:18 NCR
<u>General Certification</u>	12 NCAC	09G	.0304*	38:24 NCR
<u>Certification of Qualified Assistant</u>	12 NCAC	09G	.0417*	38:18 NCR
<u>Terms and Conditions of Qualified Assistant Certification</u>	12 NCAC	09G	.0418*	38:18 NCR

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Detention Officer Certification Course</u>	12 NCAC	10B	.0601*	38:20 NCR
<u>Telecommunicator Certification Course</u>	12 NCAC	10B	.1302*	38:10 NCR

**LABOR, DEPARTMENT OF**

<u>Definitions</u>	13 NCAC	13	.0101*	39:01 NCR
<u>Incorporated - Standards</u>	13 NCAC	13	.0103	39:01 NCR
<u>Inspector Qualification</u>	13 NCAC	13	.0202*	39:01 NCR
<u>North Carolina Commission</u>	13 NCAC	13	.0203	39:01 NCR
<u>Inspection Reports</u>	13 NCAC	13	.0207*	39:01 NCR
<u>Insurance Companies to Notify Chief Inspector</u>	13 NCAC	13	.0208*	39:01 NCR
<u>Shop Inspections and National Board "R" Certifi...</u>	13 NCAC	13	.0210	39:01 NCR
<u>Certificate Inspections</u>	13 NCAC	13	.0211*	39:01 NCR
<u>Certificate and Inspection Fees</u>	13 NCAC	13	.0213	39:01 NCR
<u>Extended Pressure Equipment Operating Certificates</u>	13 NCAC	13	.0214*	39:01 NCR
<u>Inspection Documentation</u>	13 NCAC	13	.0301	39:01 NCR
<u>Certificate Issuance</u>	13 NCAC	13	.0302	39:01 NCR
<u>Inspections Revealing Deficiencies</u>	13 NCAC	13	.0303	39:01 NCR
<u>Appeals</u>	13 NCAC	13	.0304	39:01 NCR
<u>Menace To Public Safety Notice</u>	13 NCAC	13	.0305	39:01 NCR
<u>Design and Construction Standards</u>	13 NCAC	13	.0401	39:01 NCR
<u>Pressure Relief Devices</u>	13 NCAC	13	.0405*	39:01 NCR
<u>Automatic Low-Water Fuel Cutoff Controls and Water-Feedin...</u>	13 NCAC	13	.0409	39:01 NCR
<u>Valves, Drains and Bottom Blowoffs</u>	13 NCAC	13	.0411*	39:01 NCR
<u>Clearances</u>	13 NCAC	13	.0413*	39:01 NCR
<u>Firing Mechanism Controls</u>	13 NCAC	13	.0420*	39:01 NCR
<u>North Carolina Special</u>	13 NCAC	13	.0421*	39:01 NCR
<u>Exhibition Boilers</u>	13 NCAC	13	.0422*	39:01 NCR
<u>Model Hobby Boilers</u>	13 NCAC	13	.0423	39:01 NCR

**REVENUE, DEPARTMENT OF**

<u>Extension of Filing Date</u>	17 NCAC	05C	.2004*	G.S. 150B-1(d)(4)
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PHARMACY, BOARD OF

Registration And Permits

21 NCAC 46 .1401\* 38:24 NCR

Medication in Health Care Facility Emergency Departments

21 NCAC 46 .1415\* 38:24 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

(5) ensure that the noncertified applicator has access to the applicable product labeling at all times during its use;

02 NCAC 09L .0503 PESTICIDE APPLICATORS

(a) At least one person at each business location shall hold a pesticide applicator license, and be responsible for the application of pesticides for routine pest control.

(b) The person licensed as the pesticide applicator shall supervise and guide all personnel applying pesticides from the business location of the licensee.

(c) The North Carolina Pesticide Board hereby incorporates by reference, for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators", of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B –Certification Requirements for Applicators of Restricted Use Pesticides.", including subsequent amendments and editions. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

(d) The requirements for direct supervision of noncertified applicators by pesticide applicators are as follows:

(6) where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the supervising pesticide applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose;

- (1) The supervising pesticide applicator shall:
  - (A) have knowledge of applicable federal, state, and tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of said pesticide by noncertified applicators; and
  - (B) be certified in each category, as set forth in Rule 02 NCAC 09L .0505, applicable to the supervised pesticide use.
  - (C) ensure that each noncertified applicator using any pesticide under his or her direct supervision meets all of the following requirements before using any pesticide:

(7) provide to each noncertified applicator instructions specific to the site and pesticide used, and these instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (for example, surface and ground water, endangered species, local population) and the conditions of application (for example, equipment, method of application, formulation) might increase or decrease the risk of adverse effects, and the supervising pesticide applicator must provide this information in a manner that the noncertified applicator can understand;

- (2) the non-certified applicator has satisfied one of the qualification requirements under Paragraph (e) of this Rule;
- (3) the noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides;
- (4) the noncertified applicator has met the minimum age required to use pesticides under the supervision of a pesticide applicator, as well as that a noncertified applicator must be at least 18 years old;

(8) ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment;

(9) ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision;

(10) be physically present at the site of the use being supervised when required by the product labeling; and

(11) create and verify the existence of the records required by Paragraph (g) of this Rule of the qualification method being verified;

(e) Before any noncertified applicator uses any pesticide under the direct supervision of a pesticide applicator, the supervising pesticide applicator must ensure that the noncertified applicator has met at least one of the requirements in this Paragraph:

- (1) the noncertified applicator has been trained in accordance with Paragraph (f) of this Rule within the last 12 months;

- (2) the noncertified applicator has met training requirements for an agricultural handler under 40 CFR 170.501 within the last 12 months;
  - (3) the noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in Subparagraph (f)(3) of this Rule; or
  - (4) the noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in North Carolina.
- (f) Guidelines for the noncertified applicator training program shall be as follows.
- (1) General noncertified applicator training must be presented to noncertified applicators orally from written materials or audio visually. The information must be presented in a manner that the noncertified applicators can understand. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators' questions.
  - (2) The person who conducts the training must meet at least one of the following criteria:
    - (A) be currently certified as a pesticide applicator;
    - (B) be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a state, tribal, or federal agency having jurisdiction; or
    - (C) have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under 40 CFR part 170.
  - (3) The noncertified applicator training materials must include information on how the noncertified applicators can protect themselves, other people, and the environment, before, during and after a pesticide application. The noncertified applicator training materials must include, at a minimum, the following:
    - (A) potential hazards from toxicity and exposure that pesticides present to noncertified applicators and their families, including acute and chronic effects, delayed effects, and sensitization;
    - (B) routes through which pesticides can enter the body;
    - (C) signs and symptoms of common types of pesticide poisonings;
    - (D) emergency first aid for pesticide injuries or poisonings;
    - (E) routine and emergency decontamination procedures, including emergency eye flushing techniques; that if pesticides are spilled or sprayed on the body, to immediately wash or to rinse off in the nearest appropriate location with clean water; and instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible;
- (F) how and when to obtain emergency medical care;
  - (G) after working with pesticides, to wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;
  - (H) wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides;
  - (I) potential hazards from pesticide residues on clothing;
  - (J) wash clothes worn while working with pesticides before wearing them again and wash them separately from other clothes;
  - (K) do not take pesticides or pesticide containers used at work to your home;
  - (L) potential hazards to children and pregnant women from pesticide exposure;
  - (M) remove work boots or shoes worn during a pesticide application before entering your home, and remove work clothes worn during a pesticide application and wash or shower before physical contact with children or family members;
  - (N) how to report suspected pesticide use violations to the appropriate state or tribal agency responsible for pesticide enforcement;
  - (O) the format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the licensed applicator to be physically present during the use of the pesticide, and information on personal protective equipment;
  - (P) the need for, and appropriate use and removal of, personal protective equipment;
  - (Q) how to recognize, prevent, and provide first aid treatment for heat-related illnesses;
  - (R) safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;

- (S) environmental concerns such as drift, runoff, and wildlife hazards;
  - (T) restricted use pesticides may be used only by a pesticide applicator or by a noncertified applicator working under the direct supervision of a pesticide applicator;
  - (U) the supervising pesticide applicator must be present at the site only when required by the product labeling;
  - (V) the supervising pesticide applicator's responsibility to provide to each noncertified applicator instructions specific to the site and pesticide used, and that these instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (for example, surface and ground water, endangered species, local population, and risks) and the conditions of application (for example, equipment, method of application, formulation, and risk of adverse effects), must be provided by the supervising pesticide applicator in a manner the noncertified applicator can understand;
  - (W) the supervising pesticide applicator's responsibility to ensure that each noncertified applicator has access to the applicable product labeling at all times during its use;
  - (X) the supervising pesticide applicator's responsibility to ensure that where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, each noncertified applicator has clean, labeling required personal protective equipment in proper operating condition, and that the personal protective equipment is worn and used correctly for its intended purpose;
  - (Y) the supervising pesticide applicator's responsibility to ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment; and
  - (Z) the supervising pesticide applicator's responsibility to ensure that a means to immediately communicate with the supervising pesticide applicator is available to each noncertified applicator using any pesticide under his or her direct supervision.
- (g) All applicators must adhere to the provisions of recordkeeping as follows:
- (1) Before allowing a noncertified applicator to make any pesticide application under their direct supervision, the supervising pesticide applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in Paragraph (e) of this Rule. For each noncertified applicator, the records must contain the information corresponding to the method of qualification.
    - (A) If the noncertified applicator was trained in accordance with Subparagraph (e)(1) of this Rule, the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training requirement in Paragraph (d) of this Rule was met; the name of the person who provided the training; and the title or a description of the training provided.
    - (B) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501, in accordance with Subparagraph (e)(2) of this Rule, the record must contain all of the information required in 40 CFR 170.501 (d)(1).
    - (C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in Subparagraph (e)(3) of this Rule, the record must contain the information required by the certifying authority.
    - (D) If the noncertified applicator is an otherwise certified applicator who is not certified to perform the type of application being conducted, or not certified in the jurisdiction where the use will take place, as described in Subparagraph (e)(4) of this Rule, the record must include all of the following information: the noncertified applicator's name; the noncertified applicator's certification number; the expiration date of the noncertified applicator's certification; and the certifying authority that issued the certification.
  - (2) The supervising pesticide applicator must create or verify the existence of the record

containing the information in Subparagraph (g)(1) of this Rule before allowing the noncertified applicator to use any pesticides under his or her direct supervision.

(h) The pesticide applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (g)(1) of this Rule at the supervising pesticide applicator's principal place of business for three years from the date the noncertified applicator uses the pesticide.

*Authority G.S. 143-452; 143-453; 143-458; 143-460(19)(20); 143-460(29).*

**02 NCAC 09L .0504 DEFINITIONS**

The following definitions apply to pesticide applicators:

- (1) "Agricultural pest control" and its subcategories shall apply to the following:
  - (a) Crop pest control means pesticide applicators using or supervising the use of pesticides in the production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; grasslands and non-crop agricultural lands; and
  - (b) Livestock pest control means pesticide applicators using or supervising the use of pesticides on animals, and to places where animals are confined. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides are included in this category. The following subcategories are defined as follows:
    - (i) livestock: means the application of pesticides to domesticated animals being raised as an agricultural commodity or for the purpose of producing an ag commodity;
    - (ii) poultry: means the application of pesticides to domestic fowl and to the areas in which they are confined; and
    - (iii) small animal: means the application of pesticides to pets or the areas where they are confined.
- (2) "Forest pest control" means using or supervising the use of pesticides in forests, forest nurseries, and forest seed production.
- (3) "Ornamental and turf pest control" means using or supervising the use of pesticides to control

- (4) "Aquatic pest control" means using or supervising the use of any pesticide applied to standing or running water, excluding applicators engaged in public health related activities included in Items (6) and (7) of this Rule.
- (5) "Right-of-way pest control" means using or supervising the use of pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way, or other similar areas.
- (6) "Public health pest control" means state, tribal, federal, or other governmental employees and contractors using or supervising the use of pesticides in government sponsored public health programs for the management and control of pests having medical and public health importance.
- (7) "Commercial Public Health pest control" means using or supervising the use of pesticides commercially for the management and control of pests having medical and public health importance.
- (8) "Regulatory pest control" means state, tribal, federal, or other governmental employees who use or supervise the use of pesticides in government-sponsored programs for the control of regulated pests.
- (9) "Demonstration and research pest control" means the following:
  - (a) persons who demonstrate to the public the use and techniques of application of pesticides, or supervise such demonstration, including extension specialists and county agents; commercial representatives demonstrating pesticide products; persons demonstrating methods used in public programs; and
  - (b) persons who use or supervise the use of pesticides while conducting field research with pesticides. This includes state, federal, commercial, and other persons conducting field research on or utilizing pesticides.
- (10) "Seed treatment" means using or supervising the use of pesticides on seeds in seed treatment facilities.
- (11) "Wood treatment" means applying pesticides to wood products such as crossties, poles, logs, shingles, posts or other wood products that are not part of a structure when treated, and are or will be exposed to insects, fungi, marine pests, or weather. This category does not include treatment for the control of termites and other wood destroying organisms in houses or in an

- area as pretreatment prior to the construction of a structure.
- (12) "Soil and growing media fumigation pest control" means using or supervising the use of any fumigant pesticide injected or applied to soils or growing media. Growing media is defined below in Item (14) of this Rule. This category excludes fumigation of raw agricultural commodities and all structural fumigation such as:
- (a) boxcars;
  - (b) warehouses;
  - (c) tractor trailers; and
  - (d) grain bins.
- (13) "Aerial pest control" means the category of commercial applicators who use or supervise the use of pesticides applied by fixed or rotary wing aircraft.
- (14) "Growing media" means a substance or substances through which roots grow and extract water and nutrients.
- (15) "Noncertified applicator" means any person who does not meet the requirements set forth in Rule 02 NCAC 09L .0503 to be a pesticide applicator, but who has met the requirements set forth in Rule 02 NCAC 09L .0503(d)(2), and who is using a pesticide under the direct supervision of a pesticide applicator in accordance with Rule 02 NCAC 09L .0503(c).

- (C) livestock pest control, which shall include the subsections of livestock; poultry; and small animals.
- (b) The following classifications and subclassifications shall apply to the licensing of pesticide applicators:
- (1) pesticide applicators and public operators utilizing ground equipment:
    - (A) agricultural pest control, including the subsections of crop pest control and livestock pest control (including subcategories of livestock, poultry, and small animals);
    - (B) forest pest control;
    - (C) ornamental and turf pest control;
    - (D) aquatic pest control;
    - (E) right-of-way pest control;
    - (F) public health pest control;
    - (G) commercial public health pest control;
    - (H) regulatory pest control;
    - (I) demonstration and research pest control, with the subsections of agricultural crop pest control; agricultural livestock pest control (including subcategories of livestock, poultry, and small animals); forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; commercial public health pest control; public health pest control; regulatory pest control; wood treatment; spoil and growing media fumigation pest control; aerial pest control;
    - (J) seed treatment;
    - (K) wood treatment;
    - (L) soil and growing media fumigation pest control; and
    - (M) aerial pest control;
  - (2) pesticide applicators and public operators utilizing aerial equipment:
    - (A) agricultural pest control: crop pest control;
    - (B) forest pest control;
    - (C) ornamental and turf pest control;
    - (D) aquatic pest control;
    - (E) right-of-way pest control;
    - (F) public health pest control;
    - (G) commercial public health pest control;
    - (H) regulatory pest control;
    - (I) demonstration and research pest control, which shall include the subsections of agricultural pest control; crop pest control; forest pest control; ornamental and turf pest control; aquatic pest control; right-of-way pest control; regulatory pest control; public health pest control; and aerial pest control; and
    - (J) aerial pest control.

*History Note: Authority G.S. 143-437; 143-452(d); 143-460(29); 40 C.F.R. 171.3; Eff. February 1, 1976; Amended Eff. June 1, 2016; November 1, 1984; August 1, 1982; October 27, 1979; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0505 CLASSIFICATIONS**

(a) The North Carolina Pesticide Board hereby incorporates by reference, for all Pesticide Applicators, Part 171.101 "Commercial applicator certification categories" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides," including subsequent amendments and editions. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>. The following classifications shall apply in North Carolina:

- (1) neither the sodium cyanide predator control nor the sodium fluoroacetate predator control categories shall be created in North Carolina;
- (2) additional classifications and their respective subclassifications, not established by the federal guidelines referenced in Paragraph (a) of this Rule, that shall be created in North Carolina, are as follows:
  - (A) commercial public health pest control;
  - (B) wood treatment;

*History Note: Authority G.S. 143-437; 143-452(d); 143-460(29); Eff. February 1, 1976; Amended Eff. June 1, 2016; November 1, 1984; August 26, 1976; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0506 GOVERNMENTAL WORKERS**

Persons in job classifications in the government unit or agencies listed below are required to be licensed as public operators:

- (1) North Carolina Department of Transportation, division of highway (14 divisions);
- (2) United States Department of Agriculture, Animal and Plant Health Inspection Service:
  - (a) staff specialist for witchweed control,
  - (b) assistant district director,
  - (c) work unit supervisors,
  - (d) designated inspectors who supervise pesticide applications,
  - (e) witchweed methods development laboratory supervisor,
  - (f) witchweed methods development assistant laboratory supervisor;
- (3) North Carolina Department of Agriculture and Consumer Services plant industry division:
  - (a) plant pest administrator,
  - (b) entomological program specialist,
  - (c) plant pathologist,
  - (d) greenhouse manager,
  - (e) area supervisors,
  - (f) pest control specialists,
  - (g) all plant pest inspectors who have supervision of pesticide applications as part of their job assignments;
- (4) North Carolina Department of Agriculture and Consumer Services, North Carolina Forest Service staff, as outlined in their job descriptions:
  - (a) foresters and forest technicians tasked with forest management duties such as writing, reviewing and approving herbicide application recommendations;
  - (b) forest health program head and staff;
  - (c) nursery program managers, technicians, and equipment operators; and
  - (d) tree improvement program supervisors, technicians, and equipment operators.
- (5) County boards of health and municipal governments:
  - (a) at least one county environmental health specialist must be licensed where the health department employees apply all the pesticides or supervise, on a weekly or more frequent basis, the activities of all

- municipal employees applying pesticides;
- (b) one county environmental health specialist and one municipal employee for each municipality must be licensed in counties where the health department personnel apply pesticides but have no direct control over municipal employees who apply pesticides; and
- (c) one licensed supervisor for each municipality, sanitary district, or mosquito control district must be licensed in counties where only municipal, sanitary district, or mosquito control district personnel apply pesticides.

*History Note: Authority G.S. 143-437; 143-453(c)(1); 143-460(33); Eff. February 1, 1976; Amended Eff. May 1, 1991; August 1, 1982; January 27, 1978; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0507 CATEGORIES OF CONSULTANTS**

Each person acting as a pest control consultant as defined in G.S. 143-460(27) shall be licensed. The categories requiring a license shall include the following:

- (1) agricultural pest control:
  - (a) crop pest control;
  - (b) livestock pest control;
- (2) forest pest control;
- (3) ornamental and turf pest control;
- (4) aquatic pest control;
- (5) right-of-way pest control;
- (6) public health pest control;
- (7) regulatory pest control;
- (8) seed treatment;
- (9) wood treatment; and
- (10) soil and growing media fumigation pest control.

*History Note: Authority G.S. 143-437; 143-455; 143-460(27); Eff. February 1, 1976; Amended Eff. June 1, 2016; November 1, 1984; October 28, 1978; January 27, 1978; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0512 AGE REQUIREMENT**

A pesticide applicator must be at least 18 years old.

*History Note: Authority G.S. 143-437; 143-449(b); 143-453(b); Eff. February 1, 1976;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0522      RECERTIFICATION OPTIONS**

(a) Pesticide applicators, public operators, and pest control consultants may be recertified by completion of approved continuing certification credit requirements in the pest control category in which the individual is certified and desires to retain certification. A "continuing certification credit" is defined as one hour of approved continuing certification training. Continuing certification training shall be approved by the Board based upon the U.S. Environmental Protection Agency "Standards for certification of commercial applicators," as contained in 40 CFR 171.103, and "Standards for recertification of certified applicators," as contained in 40 CFR 171.107. Such training may consist of grower meetings, seminars, short courses, or other presentations taught by extension pesticide personnel, or other privately or publicly sponsored training organizations approved by the Board, as set forth in 40 CFR 171.103 and 40 CFR 171.107. Continuing certification requirements for each pest control category are as follows:

- (1) agricultural pest control – crop pest control  
10 credits per 5-year period;
- (2) agricultural pest control – livestock pest control  
6 credits per 5-year period;
- (3) forest pest control  
6 credits per 5-year period;
- (4) ornamental and turf pest control  
10 credits per 5-year period;
- (5) aquatic pest control  
6 credits per 5-year period;
- (6) right of way pest control  
4 credits per 5-year period;
- (7) public health pest control  
6 credits per 5-year period;
- (8) commercial public health pest control  
6 credits per 5-year period;
- (9) regulatory pest control  
6 credits per 5-year period;
- (10) demonstration and research pest control  
10 credits per 5-year period;

The continuing certification credits required for demonstration and research shall consist of any combination of credits divided between training in the primary categories, set forth in Subparagraph (a)(1) through (a)(9) and (a)(11) through (a)(14) of this Rule, and training in demonstration and research.

- (11) seed treatment 3 credits per 5-year period;
- (12) wood treatment 4 credits per 5-year period;
- (13) soil and growing media fumigation  
3 credits per 5-year period; and
- (14) aerial 4 credits per 5-year period.

The Continuing Certification Credits required for aerial applicators shall include one credit obtained through training aerial methods. The Continuing Certification Credits established for each ground application pest control category shall be obtained in at least two years of the five-year period.

(b) Pesticide applicators, public operators, and pest control consultants shall be recertified by passing a written comprehensive examination administered by North Carolina Department of Agriculture and Consumer Services personnel.

*History Note: Authority G.S. 143-437(1); 143-440(b); 143-453(c)(2); 143-455(d); Eff. September 10, 1980; Amended Eff. June 1, 2016; November 1, 1984; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .0531      PESTICIDE LICENSE EXAMINATION REQUIREMENT**

(a) The North Carolina Pesticide Board, hereby incorporates by reference for all Pesticide Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B–Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments and editions. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

(b) Core requirements, as described in 40 CFR 171.103, must be met for all categories and subcategories.

(c) The competency standards for additional categories established in North Carolina are as follows:

- (1) commercial public health pest control: applicators must demonstrate practical knowledge of pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control; the required knowledge on how to minimize damage to and contamination of areas treated; acute and chronic exposure of people and pets; and non-target exposures;
- (2) wood treatment: applicators must demonstrate a practical knowledge of the different types of wood, tree anatomy, physiology, and be able to identify what treatment factors are specific to each; common disease and insect problems and factors, such as moisture, that must be considered prior to beginning a treatment; knowledge of the different types of wood preservatives, and the specific PPE requirements and cautions associated with each; and proper disposal of treated and unused wood;
- (3) livestock pest control and it's subcategories are established as follows:
  - (A) livestock: applicators must demonstrate practical knowledge of the various types of livestock, the area where they're housed, and their associated pests; specific pesticide toxicity and residue potential; and the hazards associated with such factors as

- formulation, application techniques, age of animals, stress, and extent of treatment;
- (B) poultry: applicators must demonstrate practical knowledge of poultry, typical poultry operations and their associated pests; specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment; and
- (C) small animal: applicators must demonstrate practical knowledge of small companion animals and their associated pests; specific pesticide toxicity and residue potential, and the hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.

*History Note: Authority G.S. 143-437; 143-449(b); 143-4523(b); 143-452(f); 143-453(b); Eff. November 1, 2024.*

**02 NCAC 09L .1002 GENERAL REQUIREMENTS**

- (a) All agricultural aircraft operations in North Carolina shall comply with the Federal Occupational Safety and Health Act of 1971 (OSHA), Title 29 U.S.C. Chapter 15; the North Carolina Occupational Safety and Health Law, G.S. Chapter 95 Article 16, all and rules promulgated thereunder; and the Federal Aviation Regulations, 14 CFR Part 137. In any case of conflict, the aforementioned authorities takes precedence over any of these Rules.
- (b) Each aerial application business shall have a licensed contractor.
- (c) All agricultural aircraft operations (pilot or contractor) shall keep a written record to be completed within 72 hours after each application, unless requested sooner by an employee of the Pesticide Section for the purposes of a pesticide incident investigation. The record shall contain the following:
- (1) name of contractor;
  - (2) name and address of the person for whom the pesticide was applied;
  - (3) identification of farm or land sites treated with pesticide(s);
  - (4) name of crop which was treated;
  - (5) total number of acres treated;
  - (6) the year, month, date, and the specific time of day when each pesticide application was completed;
  - (7) the brand name of the pesticide(s) and EPA registration number;
  - (8) amount of formulated product or active material applied per acre shall be specified;
  - (9) total gallons or pounds per acre of the final tank mix applied per acre;
  - (10) name of pilot; and
  - (11) signature of the person completing this record.

- (d) Each day of application shall be recorded as a separate record.
- (e) The pilot shall, prior to application, learn and confirm:
- (1) the boundaries and exact location of the target area(s); and
  - (2) the identity of nontarget areas and safety hazards located on or adjacent to the target areas.
- (f) Spray and spreading equipment shall be rinsed after each agricultural aircraft operation, except when the next agricultural aircraft operation will be made using the same pesticide, or another pesticide compatible with the previous pesticide, according to the manufacturer's recommendations, was previously used in the equipment and will not result in any adverse effects, or created by the drainage or disposal of waste materials, and will not create an adverse effect as defined in Rule 02 NCAC 09L .1001(2).
- (g) During application, the flow and mixture of the pesticide(s) shall be uniform. Pilots and contractors shall utilize equipment which will maintain a uniform mixture and flow during application.
- (h) Pilots and contractors shall use and operate, in any agricultural aircraft operation, aircraft equipped with spray or spreading equipment suited according to its manufacturer's recommendations for the pesticide(s) to be applied. All aerial spray or spreading equipment shall be free of leaks and shall have a positive shutoff system to prevent leaking and dissemination of pesticides on any nontarget areas over which the flight is made. Such equipment shall not allow spillage, dripping, backflow, or create a hazard from vapors or drift.
- (i) The loading area shall be kept free of pesticide contamination.
- (j) No pesticide(s) shall be applied by an aerial applicator while any persons other than those assisting in the application are in the target area.
- (k) The shape of the tank, hopper of the spray, or spreading equipment shall be such as to allow complete drainage during flight and on ground.
- (l) The contractor or pilot shall notify the Secretary of the Board within 24 hours of any emergency or accidental release of pesticide(s) from the application or auxiliary equipment. They shall provide the following information:
- (1) the name of the pilot;
  - (2) the contractor involved;
  - (3) the name of the property owner or operator;
  - (4) the location of the incident;
  - (5) the name of the pesticide;
  - (6) the estimated amount of pesticide involved;
  - (7) the estimated size of the area that received the spill;
  - (8) the description of what is located within 300 feet from the edge of the spill in all directions;
  - (9) the number of humans or animals known to have been contaminated; and
  - (10) the weather conditions at the site of the emergency or accidental release of pesticide(s).

*History Note: Authority G.S. 143-147; 143-458; 143-466; Eff. July 2, 1976; Amended Eff. May 1, 2009; February 1, 1989; January 1, 1985; August 1, 1982;*

*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*

**02 NCAC 09L .1003      DRIFT CONTROL**

No person shall apply a pesticide or pesticides aerially under such conditions that drift from pesticide particles or vapors results in adverse effect.

*History Note:      Authority G.S. 143-458; 143-463;*  
*Eff. July 2, 1976;*  
*Amended Eff. January 1, 1985;*  
*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*

**02 NCAC 09L .1102      DEFINITIONS**

The following definitions apply in this Section.

- (1) "Certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticide.
- (2) "Noncertified applicator" means any person who is not certified in accordance with G.S. 143-440(b) to use or supervise the use of restricted use pesticides, but who has met the requirements set forth in 40 C.F.R. 171.201(c), and who is using a restricted use pesticide under the direct supervision of a certified applicator in accordance with 40 C.F.R. 171.201.
- (3) "Private pesticide applicator" means a person who uses or supervises the use of any restricted use pesticide under the following conditions:
  - (a) for the purpose of producing any agricultural commodity on property owned or rented by the person or the person's employer; or
  - (b) if the pesticide is applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (4) "Private pesticide applicator certification standards review" means a training session designed by the North Carolina State University Pesticide Safety Extension Specialist to advance a private pesticide applicator's practical knowledge in areas such as:
  - (a) the pest problems and pest control practices associated with agricultural operations;
  - (b) storage, use, handling, and disposal of pesticides and their containers;
  - (c) labels and labeling information;
  - (d) local environmental situations to consider during application to avoid contamination;
  - (e) recognition of poisoning symptoms and procedures to follow in case of a pesticide accident;
  - (f) protective clothing, equipment, and other worker protection standards;

- (g) federal and state pesticide laws, rules, and regulations and the applicator's related legal responsibility;
- (h) current agricultural production-related pesticide technology; and
- (i) sources of advice and guidance necessary for the safe and proper use of each pesticide related to his or her certification including EPA guidance, extension publications and court decisions.

These training sessions shall be taught by Cooperative Extension Service pesticide training agents or other individuals approved by the Pesticide Board on a case-by-case basis, based upon the individual's education, experience, and knowledge of Sub-items (4)(a) through (i) of this Rule.

- (5) "Continuing certification credit" means one hour of continuing certification training. Such training may be offered during grower meetings, seminars, short courses, or other presentations taught by Cooperative Extension Service pesticide training agents, or other privately or publicly sponsored training organizations. Private applicators may also earn continuing certification credits by attending training sessions for which credit has been assigned in the following commercial categories and subcategories as set forth in Rule 02 NCAC 09L .0505(b):
  - (a) agricultural pest control;
    - (i) crop pest control;
    - (ii) livestock pest control;
  - (b) forest pest control;
  - (c) ornamental and turf pest control;
  - (d) aquatic pest control;
  - (e) seed treatment;
  - (f) soil and growing media fumigation pest control; and
  - (g) aerial pest control.

*History Note:      Authority G.S. 143-440; 143-453;*  
*Eff. December 1, 1976;*  
*Amended Eff. June 1, 2016; October 1, 2002; November 1, 1988;*  
*July 1, 1987; February 5, 1978; April 20, 1977;*  
*Readopted Eff. August 1, 2020;*  
*Amended Eff. November 1, 2024.*

**02 NCAC 09L .1103      CERTIFICATION EXAMINATION**

(a) ADOPTION BY REFERENCE. The North Carolina Pesticide Board hereby incorporates by reference, including subsequent amendments and editions, Part 171.105 (a) through (i) "Standards for certification of private applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

- (b) A passing grade shall be 70 percent.
- (c) Any applicant for initial certification in any private applicator certification subclass shall first become certified as a private pesticide applicator.

*History Note: Authority G.S. 143-440; Eff. December 1, 1976; Amended Eff. August 1, 2015; October 1, 2002; July 1, 1987; February 5, 1978; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1105 APPLICATIONS UNDER SUPERVISION OF CERTIFIED APPLICATOR**

(a) The North Carolina Pesticide Board hereby incorporates by reference, including subsequent amendments and editions, Part 171.201 (a) through (d) of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart C—Supervision of Noncertified Applicators." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <https://www.gpo.gov/>.

(b) All certified applicators must adhere to the provisions of recordkeeping as outlined throughout this Subchapter.

- (1) Before allowing a noncertified applicator to make a restricted use pesticide application under their direct supervision, the supervising certified applicator must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in 40 C.F.R. 171.201(c). For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in Parts (b)(1)(A) through (b)(1)(D) of this Rule.

- (A) If the noncertified applicator was trained in accordance with C.F.R. 171.201(c)(1), the record must contain all of the following information: the noncertified applicator's printed name and signature; the date the training requirement in C.F.R. 171.201(c) was met; the name of the person who provided the training; and the title or a description of the training provided.
- (B) If the noncertified applicator was trained as an agricultural handler under 40 C.F.R. 170.501 in accordance with C.F.R. 171.201(c)(2), the record must contain all of the information required in 40 C.F.R. 170.501 (d)(1).
- (C) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, as described in C.F.R. 171.201(c)(3), the record must contain the information required by the certifying authority.

- (D) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted, or not certified in the jurisdiction where the use will take place, as described in C.F.R. 171.201(c)(4), the record must include all of the following information: the noncertified applicator's name; the noncertified applicator's certification number; the expiration date of the noncertified applicator's certification; and the certifying authority that issued the certification.

- (2) The certified applicator must create or verify the existence of the record containing the information in Subparagraph (b)(1) of this Rule before allowing the noncertified applicator to use any restricted use pesticides under his or her direct supervision.
- (3) The certified applicator supervising any noncertified applicator must have access to records documenting the information required in Subparagraph (b)(1) of this Rule for three years from the date the noncertified applicator use the pesticide.

(c) The certified applicator providing direct supervision shall be available to the non-certified applicator in the event he or she is needed. It shall be the responsibility of the certified applicator to keep the non-certified applicator fully aware of all directions for use and cautions necessary for safe use and application of any restricted use pesticide they may be directed to apply.

(d) All non-certified applicators applying any restricted use pesticide under the direct supervision of a certified applicator shall have available at the application site, or at the loading and mixing site, if different from the application site, the following:

- (1) detailed written or printed directions for applying the restricted use pesticide (pesticide product label will suffice);
- (2) detailed written or printed instructions describing procedures to be followed in order to prevent injury to the applicator, other persons and/or unreasonable adverse effects on the environment (pesticide product label will suffice); and
- (3) detailed instructions for contacting the certified applicator under whose supervision the non-certified applicator is working (for example, name, location, telephone number, radio contact), and such instructions, when followed, shall result in direct communication with the certified applicator.

*History Note: Authority G.S. 143-440; Eff. December 1, 1976; Amended Eff. February 5, 1978; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1107 AGE LIMITATIONS**

Individuals who wish to be certified as private pesticide applicators shall be at least 18 years old prior to participating in a certification option or being issued a single purchase permit under the emergency certification procedure, as set forth in Rule 02 NCAC 09L .1104.

*History Note: Authority G.S. 143-440; Eff. December 1, 1976; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1108 TERM OF CERTIFICATION; RECERTIFICATION**

- (a) The term of certification shall be for a period of three years.
- (b) In order to be recertified as a private pesticide applicator without a written examination, a person shall complete two hours of private pesticide applicator certification standards review, plus two continuing certification credit hours, as defined in Rule .1102(5) of this Section.
- (c) A private pesticide applicator certified in the subclass of soil and growing media fumigation, agricultural commodity fumigation, or aerial shall earn one hour of continuing certification credit specific to each applicable subclass to retain the corresponding subclass certification.

*History Note: Authority G.S. 143-440; 143-453; Eff. July 1, 1987; Amended Eff. June 1, 2016; October 1, 2002; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1109 CERTIFICATION OF PRIVATE APPLICATORS**

The following subclassifications are established for the certification of private pesticide applicators:

- (1) "Soil and growing media fumigation" means private pesticide applicators utilizing ground equipment applying restricted use fumigants to property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (2) "Agricultural commodity fumigation" means private pesticide applicators applying restricted use fumigants to agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.
- (3) "Aerial" means private pesticide applicators applying restricted use pesticides from an aircraft onto agricultural commodities on property they own or lease, their employer's property, or applied without compensation other than the trading of personal services

between producers of agricultural commodities on the property of another person.

*History Note: Authority G.S. 143-437; 143-440; 143-453; Eff. August 1, 2015; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1303 EXEMPTIONS**

- (a) Restricted use pesticides may be made available to a noncertified employee under the direct supervision of a certified private or licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee provided the noncertified employee is acting under the direct supervision of said applicators or licensees and provided further that said noncertified employee is at least 18 years old.
- (b) The ability to make restricted use pesticides available to a noncertified employee, as set forth in Paragraph (a) of this Rule, also applies to restricted use pesticides in channels of trade prior to making them available for end use.
- (c) Prior to making available restricted use pesticides to a noncertified employee under the direct supervision of a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee, all persons shall require the noncertified employee to sign his or her name and list the certification number of employer under whose direction and supervision the noncertified employee is acting. Such information shall be available for routine inspection by the North Carolina Pesticide Board or its agent.

*History Note: Authority G.S. 143-437; 143-440; 143-466; Eff. August 26, 1977; Amended Eff. November 1, 1988; February 5, 1978; Temporary Amendment Eff. November 1, 2001; Amended Eff. August 1, 2002; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1305 RECORD KEEPING REQUIREMENTS**

All licensed pesticide dealers, as defined in G.S. 143-460, shall keep records of all sales of restricted use pesticides showing the following:

- (1) date of sale;
- (2) initials of sales clerk;
- (3) name of certified or licensed applicator, as set out in Rule .1302 of this Section, or noncertified employees, as set out in Rule .1303 of this Section;
- (4) certification or license number of certified or licensed applicator, as set out in Rule .1302 of this Section;
- (5) certification or license expiration date as shown on the certified or licensed applicator's certification card;
- (6) categories held by certified or licensed applicator;
- (7) product brand name;
- (8) EPA registration number;

- (9) number of individual containers;
- (10) size of individual containers; and
- (11) total quantity sold.

4 to 5 Years	1/20	25
5 Years and Older	1/25	25

*History Note: Authority G.S. 143-437; 143-440; 143-466; Temporary Adoption Eff. November 1, 2001; Eff. August 1, 2002; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

**02 NCAC 09L .1402 RECORD KEEPING REQUIREMENTS**

All pesticide applicators, as defined in G.S. 143-460 utilizing ground equipment, shall keep for three years, records created within 72 hours after each application of all applications of restricted use pesticides. The records shall contain the following:

- (1) name of licensed pesticide applicator or licensed public operator;
- (2) name and address of the person for whom the pesticide was applied;
- (3) identification of farm or site(s) treated with pesticide(s);
- (4) name of crop, commodity, or object(s) that was treated with pesticide(s);
- (5) approximate acres, size, or number of other object(s) treated;
- (6) the year, month, date, and the specific time of day when each pesticide application was completed and each day of application shall be recorded as a separate record;
- (7) the brand name of the pesticide(s) and EPA registration number(s);
- (8) amount (volume or weight) of pesticide formulation(s) or active ingredient(s) applied per unit of measure; and
- (9) name(s) of person(s) applying pesticide(s).

*History Note: Authority G.S. 143-458; 143-463; 143-466(a); Eff. October 21, 1977; Amended Eff. April 1, 2009; Readopted Eff. August 1, 2020; Amended Eff. November 1, 2024.*

- (1) when combining age groups, the staff/child ratio for the youngest child in the group shall be maintained for the entire group;
- (2) children of all ages may be cared for together in groups for the first and last operating hour of the day, provided the staff/child ratio for the youngest child in the group is maintained;
- (3) a child two years of age and older may be placed with children under one year of age when a physician certifies that the developmental age of the child makes this placement appropriate;
- (4) when determined to be developmentally appropriate by the operator and parent, a child age two or older may be placed one age level above his or her chronological age without affecting the staff/child ratio for that group. This provision shall be limited to one child per group;
- (5) except as provided in Subparagraphs (2) and (3) of this Paragraph, children under one year of age shall be kept separate from children two years of age and over;
- (6) except as provided in Subparagraph (2) of this Paragraph, children between the ages of 12 months and 24 months shall not be grouped with older children unless all children in the group are less than three years of age;
- (7) when only one caregiver is required to meet the staff/child ratio and no children under two years of age are in care, that caregiver may concurrently perform food preparation or other duties such as cleaning, activity planning and set up, or communication with families, that are not direct child care responsibilities as long as supervision of the children as specified in 10A NCAC 09 .1801 is maintained;
- (8) except as provided in Subparagraph (7) of this Paragraph, staff members and child care administrators who are counted in meeting the staff/child ratios as stated in this Rule shall not concurrently perform food preparation or other duties that are not direct child care responsibilities;
- (9) when only one caregiver is required to meet the staff/child ratio, the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief; and
- (10) the staff/child ratio applicable to a classroom as described in this Paragraph shall be posted in that classroom in an area that parents are able to view at all times.

**TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS**

(a) The staff/child ratios and group sizes for single-age groups of children in centers shall be as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 3 Years	1/10	20
3 to 4 Years	1/15	25

(b) The staff/child ratios for a center located in a residence with a licensed capacity of 13 to 15 children are as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 13 Years	1/10	15
3 to 13 Years	1/15	15

(c) The staff/child ratios for a center located in a residence with a licensed capacity of 3 to 12 children are as follows:

Age of Children	Ratio Staff/Children
0 to 12 Months	1/5 preschool children plus three additional school-age children, as defined in 10A NCAC 09 .0102(43)
12 to 24 Months	1/6 preschool children plus two additional school-age children, as defined in 10A NCAC 09 .0102(43)
2 to 13 Years	1/10
3 to 13 Years	1/12

- (1) The staff/child ratio applicable to a classroom for a center located in a residence as described in Paragraph (b) and (c) of this Rule shall be posted in that classroom in an area that parents are able to view at all times;
- (2) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) and (c) of this Rule and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties such as cleaning, activity planning and set up, or communication with families that are not direct child care responsibilities; and
- (3) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) or (c) of this Rule, the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief.

(d) A center may choose to group children in multi-age groups rather than single-aged groups. The staff/child ratios and group sizes for multi-age groups of children in centers shall be as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 36 months	1/4	8
12 months to 36 months	1/5	10
24 months to 47 months	1/6	10
4 years of age to 6 years of age	1/9	18
6 years of age through 12 years of age	1/19	25

- (1) Before meeting the ratios outlined in this Paragraph or before changing from multi-age group ratios to single-age group ratios, the operator must notify the Division in writing by mailing a notice to the Division at 2201 Mail Service Center, Raleigh, North Carolina 27699-2200;
- (2) Paragraphs (a) through (c) of this Rule do not apply to centers that choose to meet the ratios outlined in this Paragraph, with the exception of Subparagraphs (a)(7), (8) and (9) of this Rule;
- (3) Children 36 months through 47 months may remain in the classroom with infants, as defined in 10A NCAC 09 .0102(25), provided there is an agreed upon plan between the child care facility, the child's parents or legal guardian, and a local early childhood partner, such as Head Start, public school, or family engagement coordinator, for transitioning the child to future care outside of the center. This plan for future care must be initiated at least six months prior to a child's third birthday, maintained in each child's file, and be available for review by the Division. When a child age 35 through 47 months remains in the classroom pursuant to this subparagraph, the staff/child ratio for the youngest child in the group shall be maintained for the entire group; and
- (4) The staff/child ratio applicable for a multi-age group as described in this Paragraph shall be posted in that classroom in an area that parents are able to view at all times.

*History Note: Authority G.S. 110-85; 110-91(7); 143B-168.3; Eff. December 1, 1988; Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990; November 1, 1989; Readopted Eff. October 1, 2017; Amended Eff. November 1, 2024; July 1, 2023; February 1, 2021.*

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**10A NCAC 15 .0801 PURPOSE AND SCOPE**

- (a) This Section provides additional requirements for use of ionizing radiation generating devices (RGDs) operating above five thousand electron volts (5 keV), but below one million electron volts (1 MeV). The requirements of this Section are in addition to the provisions in Sections .0100, .0200, .1000, and .1600 of this Chapter.
- (b) This Section does not pertain to radiation safety requirements for industrial radiographic machines for non-human use that are covered in Section .0500 of this Chapter, x-rays in the healing arts in Section .0600 of this Chapter, and particle accelerators in Section .0900 of this Chapter.
- (c) RGDs used for the purpose of elemental analysis, microstructural analysis, quality assurance, quality control, research and development, gauging and measurement, or other nondestructive testing and evaluation in this Section includes:
- (1) analytical RGDs;

- (2) cabinet x-ray systems;
- (3) electron beam devices operating below 1MeV;
- (4) electron microscopes;
- (5) ion implantation equipment, low energy;
- (6) gauging devices;
- (7) radiographic and radiosopic non-healing arts x-ray equipment; and
- (8) security screening devices and systems for government use only.

*History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0801 Eff. February 1, 2015; Amended Eff. October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0802 DEFINITIONS**

In addition to terms found in Rule .0104 of this Chapter, the following definitions shall apply to this Section:

- (1) "Accredited bomb squad" means a law enforcement agency utilizing certified bomb technicians.
- (2) "Accessible surface" means the external or outside surface of the enclosure or housing provided by the manufacturer or designer of the RGD. This includes the high-voltage generator, doors, access panels, latches, control knobs, and other permanently mounted hardware, and including the plane across the exterior edge of any opening.
- (3) "Analytical RGD equipment" means equipment that uses electronic means to generate ionizing radiation for the purpose of examining the microstructure of materials using direct x-ray transmission, x-ray diffraction, x-ray fluorescence, and x-ray spectroscopy.
- (4) "Analytical RGD system" means a group of local and remote components utilizing x-rays to determine the elemental composition or to examine the microstructure of materials.
- (5) "Certified bomb technician" means a member of an accredited bomb squad who has successfully completed the FBI Hazardous Devices School. Information pertaining to this program can be found at <http://www.fbi.gov/about-us/cirg/hazardous-devices>.
- (6) "Certifiable cabinet x-ray system" means an existing uncertified RGD that has been modified to meet the certification requirements specified in 21 C.F.R. 1020.40, as incorporated by reference in Rule .0117 of this Chapter.
- (7) "Certified cabinet x-ray system" means an RGD utilized in an enclosed, interlocked cabinet, such that the radiation machine will not operate unless all openings are securely closed. These

systems shall be certified in accordance with 21 CFR 1010.2, as incorporated by reference in Rule .0117 of this Chapter, as being manufactured and assembled pursuant to the provisions of 21 C.F.R. 1020.40, as incorporated by reference in Rule .0117 of this Chapter.

- (8) "Collimator" means a device or mechanism by which the x-ray beam is restricted in size.
- (9) "Control panel" means the part of the x-ray control where the switches, knobs, pushbuttons, and other hardware are, located for manually setting the technique factors.
- (10) "Electron Beam Device" means any device using electrons below 1MeV to heat, join, or otherwise irradiate materials.
- (11) "Enclosed beam RGD" means an RGD with all possible x-ray beam paths contained in a chamber, coupled chambers, or other beam-path-confinement devices, to prevent any part of the body from intercepting the beam during normal operations. Normal access to the primary beam path, such as a sample chamber door, shall be interlocked with the high voltage of the x-ray tube or the shutter for the beam to be considered "enclosed." An open-beam device placed in an interlocked enclosure is considered an "enclosed beam" unless there are provisions for routine bypassing of the interlocks.
- (12) "Emergency procedure" means the written pre-planned steps to be taken in the event of actual or suspected radiation exposure of an individual exceeding administrative or regulatory limits found in Rule 10A NCAC 15 .1601(a)(8) and .1601(a)(15). This procedure shall include the names and telephone numbers of individuals to be contacted, as well as directives for processing individual monitoring devices.
- (13) "Fail-safe characteristics" means a design feature that causes the radiation beam to terminate, port shutters to close, or otherwise prevents emergence of the primary beam upon the failure of a safety or warning device. For example, if an "X-ray On" light indicator, shutter indicator, or interlock fails, the radiation beam shall terminate.
- (14) "Gauging device" means a mechanism containing a source of ionizing radiation that is designed and manufactured for the purpose of determining or controlling thickness, density, level, interface location, or qualitative or quantitative composition of materials. It may include components such as radiation shields, useful-beam controls, and other safety features in order to meet the requirements or specifications of the device.
- (15) "General-use system" means a security screening system that delivers an effective dose

- of 25 microrem (0.25 microSv) or less per screening.
- (16) "Hand-held x-ray system" means any device or equipment that is portable and used for similar purposes as analytical RGD equipment.
- (17) "Individual responsible for radiation protection" means a person who has the knowledge and responsibility to apply appropriate radiation rules, for persons registered with the agency in accordance with Section .0200 of this Chapter, commensurate with the scope of the activities authorized by the registrant.
- (18) "Inspection Zone" means the area established for the purpose of controlling access where screening is performed. Areas controlled due to the presence of radiation shall include areas of ingress, egress, gates, portals, and traffic paths. The area outside of the inspection zone shall not exceed the limits of Rule .1601(a)(13) of this Chapter.
- (19) "Interlock" means a feature designed to prevent access to an area of radiation hazard by preventing entry or by automatically removing the hazard.
- (20) "Ion implantation equipment, low-energy" means any enclosed device operating below 1MeV used to accelerate elemental ions and implant them in other materials.
- (21) "Leakage radiation" means radiation emanating from the source assembly housing except for:
- (A) the primary beam;
  - (B) scatter radiation emanating from other components; and
  - (C) radiation produced when the "beam on" switch or timer is not activated.
- (22) "Limited-use system" means a screening system that is capable of delivering an effective dose greater than 25 microrem (0.25 microSv) per screening, but shall not exceed an effective dose of 1 mrem (10 microSv) per screening,
- (23) "Local components" means part of an RGD x-ray system and include areas that are struck by x rays, such as radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding, but do not include power supplies, transformers, amplifiers, readout devices, and control panels.
- (24) "Mobile RGD" means RGD equipment mounted on a permanent base with wheels or casters for moving while completely assembled.
- (25) "Normal operating procedures" means step-by-step instructions necessary to accomplish a task. These procedures shall include sample insertion and manipulation, equipment alignment, routine maintenance by the registrant, and data recording procedures that are related to radiation safety.
- (26) "Open-beam RGD" means a device or system designed in such a way that the primary beam is not completely enclosed during normal operation, when used for analysis, gauging, or imaging, an individual could accidentally place some part of their body in the primary beam or stray radiation path during normal operation.
- (27) "Portable RGD" means RGD equipment designed to be carried by hand.
- (28) "Primary beam" means radiation that passes through an aperture of the source assembly housing by a direct path from the radiation source.
- (29) "Radiation generating device (RGD)" means any system, device, subsystem, or machine component that may generate, by electronic means, x-rays or particle radiation above 5 keV, but below 1 MeV, and not used for healing parts on humans or animals. RGDs may be used as a:
- (A) mobile RGD;
  - (B) portable RGD; or
  - (C) stationary RGD.
- (30) "Remote components" means parts of an RGD x-ray system that are not struck by x-rays, such as power supplies, transformers, amplifiers, readout devices, and control panels.
- (31) "Safety Device" means a device, interlock or system that prevents the entry of any portion of an individual's body into the primary x-ray beam or that will cause the beam to shut off upon entry into its path.
- (32) "Scattered radiation" means radiation, other than leakage radiation, that during passage through matter, has been deviated in direction or has been modified by a decrease in energy.
- (33) "Screening" means the sum of scans necessary for a security screening system to image concealed objects as intended by the system design under normal operating conditions.
- (34) "Security screening device" means a non-human use open-beam device designed for the detection of contraband or weapons concealed in baggage, mail, packages, or other structures. These devices include bomb detection devices used for the sole purpose of detecting explosive devices.
- (35) "Security screening system" means a system specifically designed to detect contraband and weapons concealed on a person and is used for the sole purpose of public safety and security evaluation by law enforcement.
- (36) "Shutter" means an adjustable device, generally made of lead or other high atomic number material, fixed to a source assembly housing to intercept, block, or collimate the primary beam.

- (37) "Source" means the point of origin of the radiation, such as the focal spot of an x-ray tube.
- (38) "Stationary RGD" means RGD equipment that is installed or placed in a fixed location.
- (39) "Stray radiation" means the sum of leakage and scatter radiation emanating from the source assembly or other components, except for the primary beam, and radiation produced when the beam on switch or timer is not activated.
- (40) "Warning device" means an audible or visible signal that warns individuals of a potential radiation hazard.
- (41) "X-ray generator" means the part of an x-ray system that provides the accelerating (high) voltage and current for the x-ray tube.
- (42) "X-ray source housing" means the portion of an RGD system which contains the x-ray tube and emitting target. The housing often contains radiation shielding material or inherently provides shielding.

- (H) proper use of individual monitoring devices and survey instruments.
- (2) Device specific training for each RGD:
  - (A) hands-on training for proper use;
  - (B) radiation hazards associated with use;
  - (C) precautions to take or measures required to minimize radiation exposure;
  - (D) procedures to prevent unauthorized use; and
  - (E) agency rules regarding use.
- (3) Operating and emergency procedure requirements of Rule .0804 in this Section.
- (c) Records of instruction and training for each individual operating RGDs, documenting that the requirements of this Rule have been met, shall be maintained and available for agency review during inspection.
- (d) Persons who will be operating the RGD shall be able to demonstrate an understanding in safe operating procedures and use of the RGD according to the manufacturer's specifications and to an authorized representative of the Radiation Protection Section.
- (e) Each registrant shall provide ring or wrist individual monitoring devices to individuals:
  - (1) operating open-beam RGDs; and
  - (2) performing maintenance on an RDG, if the maintenance procedures require the presence of a primary x-ray beam when any local component in the RGD is disassembled or removed.

*History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0802 Eff. February 1, 2015; Amended Eff. October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0803 PERSONNEL REQUIREMENTS**

- (a) The registrant, as defined in 10A NCAC 15 .0104(130), shall document the scope of training and instruction required for the RGD in use.
- (b) No individual shall be permitted to operate or maintain RGDs unless the individual has received instruction in the basic principles of radiation protection, training specific to the manufacturer's recommendations for safe operation and unique features of the RGD in use, and instruction in the operating and emergency procedures. Instruction and training shall include:

- (1) Basic principles of radiation protection:
  - (A) radiation fundamentals;
  - (B) source and magnitude of common sources of radiation exposure;
  - (C) units of radiation dose and measurements;
  - (D) potential hazards, biological effects of ionizing radiation, and recognition of symptoms of an acute localized exposure;
  - (E) ALARA (As Low As Reasonably Achievable) principles for radiation protection concepts of time, distance, and shielding to minimize radiation exposure;
  - (F) declared pregnancy policy;
  - (G) occupational, embryo/fetus, and public dose limits; and

*History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0803 Eff. February 1, 2015; Amended Eff. October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0804 OPERATING REQUIREMENTS**

- (a) RGDs shall only be operated by individuals who have completed the requirements in Rule .0803 of this Section.
- (b) No individual shall be permitted to operate an RGD in any manner other than that specified in the operating procedures, unless the individual has obtained written approval from the individual responsible for radiation protection as defined in 10A NCAC 15 .0802(17).
- (c) Normal operating and emergency procedures from the manufacturer or supplier of the RGD shall be available to all operators and support staff for review during the use of an RGD.
- (d) Normal operating and emergency procedures shall include the following:
  - (1) safe use of the RGD;
  - (2) protocols in the event of device malfunction, emergency, or incident involving radiation exposure; and
  - (3) instructions on reporting to the individual responsible for radiation protection of actual or

- suspected accidental exposure or other radiation safety concerns, such as any unusual occurrence or malfunction that may involve exposure to radiation.
- (e) Open beam and portable handheld RGDs
- (1) Registrants shall have operating procedures developed to ensure radiation protective measures are:
    - (A) provided to meet the requirements of Rule .1601(a)(15) of this Chapter;
    - (B) taken to avoid exposure to any individual from the transmitted primary x-ray beam in cases where the primary x-ray beam is not intercepted by a detector device during operation; and
    - (C) available to all individuals operating the RGD.
  - (2) Operators shall not do the following while operating an RGD:
    - (A) point the primary beam at any individual including him or herself;
    - (B) allow their hand to approach the primary beam; or
    - (C) hold a sample. If a sample is small and it is necessary to hold the sample while operating the RGD, the sample shall be placed in a shielded sample enclosure.

(f) Operating and emergency procedures shall be available for review by the individual responsible for radiation protection during inspection.

(g) Alignment procedures shall be performed as recommended by the RGD manufacturer.

(h) Special alignment procedures shall only be used when approved by the individual responsible for radiation protection and manufacturer of the RGD.

(i) Safety Devices

(1) Testing

- (A) Safety devices including interlocks, shutters, and warning lights shall be tested once annually for proper operation on all RGDs in use. If any safety device fails, the RGD shall be taken out of service until corrective action is performed or temporary administrative controls are established and approved in writing by the individual responsible for radiation protection.
- (B) Testing records shall include the date test was performed, the list of safety devices tested, the survey instrument used, the calibration date, the results of the test, the name of the individual that performed the test, and any corrective actions for a failed test.

- (C) Records of the testing shall be retained by the registrant for agency review during inspection.
- (2) Bypassing
  - (A) No individual shall bypass a safety device unless the person has obtained approval from the individual responsible for radiation protection. Procedures for bypassing a safety device shall be incorporated into the radiation protection program by the individual responsible for radiation protection, as set forth in Rule .1601 of this Chapter, and the operating procedures as set forth in Paragraph (c) of this Rule.
  - (B) The written approval, as granted by the individual responsible for radiation protection, shall include the start and end date of approval.
  - (C) When a safety device has been bypassed, a legible sign bearing the words "SAFETY DEVICE NOT WORKING", or words having a similar meaning, shall be placed on the x-ray source housing and the control panel during the bypassing period.

(j) An individual shall determine the tube is off, and will remain off until safe conditions have been restored, prior to an individual modifying the following;

- (1) x-ray tube system, resulting in the removal of tube housings, covers, or shielding materials;
- (2) shutters;
- (3) collimators; or
- (4) beam stops.

*History Note: Authority G.S. 104E-7(a)(2); Eff. February 1, 1980; Amended Eff. January 1, 1994; Transferred and Recodified from 15A NCAC 11 .0804 Eff. February 1, 2015; Amended Eff. October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0805 AREA REQUIREMENTS**

(a) Each radiation area, as defined in Rule .1601(a)(3) of this Chapter, containing RGDs shall be:

- (1) conspicuously posted with caution signs, in accordance with the requirements of Rule .1601(a)(34) of this Chapter, bearing the words "CAUTION – RADIATION AREA", or words having a similar meaning; and
- (2) supervised continuously during operation of the RDG or shall utilize one or more of the following:
  - (A) door interlocks;
  - (B) entry monitors; or

(C) engineering controls.

(b) Access to each restricted area where an individual may receive a dose equivalent exceeding 100 mrem in any year, but does not exceed levels of a radiation area, shall be designated as a controlled area. The area shall be controlled by:

- (1) visibly separating adjacent uncontrolled areas so doses do not exceed the limits of Rule .1601(a)(15) of this Chapter; and
- (2) posting a sign bearing the words "Warning: X-rays in Use", or words having a similar meaning.

(c) The local components of RGDs shall be located and arranged to include sufficient shielding or access control to ensure no radiation levels exist in any area surrounding the local components that result in a dose to an individual in excess of the dose limits in Rule .1601(a)(15) of this Chapter.

(d) Surveys shall be performed for each RGD, as set forth in Rule .1601(a)(23) of this Chapter, to show compliance with Paragraph (c) of this Rule.

- (1) Radiation survey instruments shall be:
  - (A) capable of measuring the radiation energies of the RGD surveyed; and
  - (B) calibrated annually when a frequency is not recommended by the manufacturer.
- (2) Equipment surveys shall confirm radiation levels do not exceed the requirements of Rule .0806(c)(7); .0806(d)(3); and .0806(h)(2) of this Section. Surveys shall be performed:
  - (A) prior to initial use and include testing of warning and safety devices;
  - (B) prior to use following any change in the initial arrangement, including the number or type of local components in the system or x-ray tube source housing;
  - (C) prior to use following any maintenance requiring the disassembly or removal of a local component in the system or x-ray tube source housing that could affect the radiation exposure to personnel; and
  - (D) during the performance of calibration, maintenance, or any alignment procedure if the presence of a primary x-ray beam is required while any local component in the system is disassembled or removed.
- (3) A registrant may apply to the agency for approval of procedures differing from those in Subparagraph (d) of this Rule, provided that the registrant demonstrates satisfactory compliance with Paragraph (c) of this Rule.
- (4) Records shall be available for agency review during inspection.

(e) RGDs in Rule .0806(i) and .0807(2) of this Section, installed after the effective date of this Rule, shall ensure the following provisions are met:

- (1) A floor plan with equipment arrangement shall be submitted to the agency for review and acknowledgement prior to installation of the system. The floor plan shall include:
  - (A) the proposed location of the system;
  - (B) direction of the useful beam;
  - (C) adjacent areas; and
  - (D) location of the operator.
- (2) An area radiation survey shall be performed prior to initial use to show compliance with dose limits of the rules in Section .1600 of this Chapter. The survey shall include:
  - (A) a drawing of the room indicating the location of the x-ray tube and orientation of the useful beam;
  - (B) radiation levels at the operator location and adjacent areas;
  - (C) survey instrument used; and
  - (D) name of the service provider that is registered, in accordance with Rule .0205 of this Chapter, and date the survey was performed.
- (3) Modifications to the room, RGD, or adjacent areas that may increase the radiation dose to any individual shall require a new survey.
- (4) Records of the floor plan with equipment arrangement and survey shall be available for review by an authorized representative of the Radiation Protection Section during inspection.

*History Note: Authority G.S. 104E-7; 104E-12; Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0805 Eff. February 1, 2015; Amended Eff. January 1, 2016; October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0806 EQUIPMENT REQUIREMENTS**

(a) Certified and certifiable cabinet x-ray systems shall comply with the following provisions of 21 C.F.R. 1020.40, which are hereby incorporated by reference including subsequent amendments and editions.

- (1) 21 C.F.R. 1020.40(a) Applicability;
- (2) 21 C.F.R. 1020.40(b) Definitions;
- (3) 21 C.F.R. 1020.40(c) Requirements; and
- (4) 21 C.F.R. 1020.40(d) Modifications of a certified system.

(b) The regulations cited in Paragraph (a) of this Rule are available free of charge at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSe arch.cfm?FR=1020.40>.

(c) All RGD's shall meet the following requirements, except certified and certifiable cabinet x-ray systems in Paragraph (a) of this Rule:

- (1) Warning devices shall be labeled so the purpose is easily identified.

- (2) Warning lights of a fail-safe design labeled with the words "X-RAY ON", or words having a similar meaning, shall be located:
    - (A) within sight of any switch that energizes an x-ray tube;
    - (B) in a conspicuous location near the x-ray tube source housing and x-ray beam, and
    - (C) visible from all instrument access areas.
  - (3) Warning lights shall activate when the x-ray tube is energized.
  - (4) Each shutter shall be equipped with a "shutter open" warning light or device of a fail-safe design.
  - (5) A readily visible and legible label bearing the radiation symbol and the words "CAUTION – RADIATION: THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED", or words having a similar meaning, shall be located near any switch that energizes an x-ray tube.
  - (6) Systems containing an x-ray tube shall be equipped with a fail-safe interlock that will shut off high voltage to the tube if the x-ray tube source housing is disassembled or if the tube is removed.
  - (7) High voltage generator enclosures or any accessible area 5 centimeters from the RGD shall not exceed a dose rate of .25 mrem/hr (.0025 mSv/hr).
- (d) All open beam RGDs shall meet the following additional requirements:
- (1) Each beam port of the x-ray tube source housing shall be equipped with a beam shutter interlocked with the x-ray accessory coupling, or collimator, so that the port will not open unless a collimator or a component coupling is in place.
  - (2) Shutters at unused ports shall be secured in the closed position to prevent unintended opening.
  - (3) The x-ray tube source housing shall be constructed so that when all shutters are closed, the leakage radiation measured at a distance of five centimeters from the housing surface does not exceed 2.5 mrem (25 microSv) in one hour.
  - (4) A safety device or interlock shall prevent the entry of any portion of an individual's body into the primary x-ray beam or which causes the primary beam to shut off upon entry into its path.
  - (5) A registrant may apply to the agency, as defined in Rule .0106 of this Chapter, for an exemption from the requirement of a safety device in Subparagraph (d)(3) of this Rule. The request shall include:
    - (A) justification for the use of an open beam system instead of an enclosed beam system;
    - (B) a description of other safety devices that have been evaluated and reason why a safety devices cannot be used; and
    - (C) a description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.
- (e) All enclosed beam RGDs shall meet the following additional requirements:
- (1) The radiation source, sample or object, detector, and analyzing crystal (if used) shall be enclosed to prevent entry of any portion of the body during normal operation.
  - (2) All doors and panels shall be equipped with an interlock. The interlock shall be of a fail-safe design.
- (f) Bimodal beam RGDs with the ability to override interlocks between enclosed and open beam shall be designed to be engaged with a device or tool and meet the following requirements:
- (1) The tool or key shall only be used by designated individuals as outlined in operating procedures.
  - (2) When the tool or key is in use, it shall be captive in the equipment and removal of the tool or key returns the RGD to enclosed beam mode.
  - (3) System use requirements must follow the current use mode.
- (g) Portable x-ray fluorescence analyzers manufactured to be used in a hand-held configuration without safety devices are exempt from the requirements of Subparagraph (d)(4) of this Rule. The following additional requirements shall be provided on the analyzer:
- (1) A power switch with the power logo: I/O.
  - (2) A label with the words "CAUTION: THIS EQUIPMENT PRODUCES X-RAYS WHEN OPERATED", or words with similar meaning.
  - (3) Indicators visible to operators when x-rays are on. The indicator shall be in the form of a light and a warning symbol or text with the words "X-RAY ON", or words with similar meaning.
  - (4) Warning labels near each beam port that bear a radiation symbol and the words "WARNING HIGH INTENSITY X-RAYS – DO NOT EXPOSE ANY PART OF BODY TO BEAM", or words having a similar meaning.
- (h) All gauging devices shall meet the following additional requirements:
- (1) The RGD shall be designed to restrict access to the x-ray beam by personnel who are not trained in accordance with Rule .0803 of this Section.
  - (2) A useful beam control system shall be provided whenever the useful beam is accessible, and the radiation levels exceed one hundred mrem per hour (100 mrem/hr)(1 mSv/hr) at five centimeters from any accessible surface or five mrem per hour (5 mrem/h)(.05 mSv/h) at thirty

- centimeters (30 cm). The useful beam controls may include a moving shutter, a moving source, or a high voltage power supply.
- (3) On-Off indicators shall be marked with symbols or wording clarifying the status of the device.
  - (4) Each indicating system for automatic beam controls shall consist of at least one "ON" indicating signal, and one "OFF" indicating signal. If lights are used, green indicates the "OFF" and red indicates any other condition of the useful beam control.
  - (5) Indicators for RGDs high voltage control shall be a yellow or amber warning light with the words "HIGH VOLTAGE ON" and shall be located on the control panel and near the x-ray tube source housing. The warning light shall illuminate only when power is applied to the RGD.
  - (6) Interlocks shall be used to prevent accidental exposure to high voltage and ionizing radiation.
  - (7) The RGD shall be conspicuously marked with a label permanently affixed to the device with the following information:
    - (A) ANSI device classification;
    - (B) name of manufacturer;
    - (C) model; and
    - (D) serial number.
  - (8) Radiation safety labels shall provide instructions and precautions for safe operation. If space is limited on the RGD, operating or service manuals may be referenced for the information.
- (i) Radiographic and radiosopic non-healing arts x-ray equipment operating below energies of 1 MeV designed for non-medical x-ray shall comply with the following additional requirements:
- (1) Written instructions shall be supplied by the manufacturer or supplier at the time of sale or transfer to the first user. When the manufacturer or supplier does not provide services to the RGD, installation instructions shall describe:
    - (A) radiation safety pertaining to each unit or accessory;
    - (B) instruction for assembly operations when assembly not performed by manufacturer;
    - (C) interconnections instructions of interlocks, warning lights and audible alarms systems;
    - (D) test instructions to determine if the RGD and accessory components are properly operating; and
    - (E) if the x-ray tube assembly is shielded or non-shielded.
  - (2) Operating instructions shall be supplied by the manufacturer or supplier, at the time of sale or transfer to the first user, in accordance with operating requirements of Rule .0804 of this Section.
- (3) The controls shall be:
    - (A) clearly marked with for the "on-off" position of the component disconnecting the power; and
    - (B) equipped with a means to prevent production of x-rays when in the "off" position, such as a key or password. When a key is used, the RGD shall be manufactured so it may only be removed when the key is in the "off" position.
  - (4) The "X-ray On" indicator control shall be:
    - (A) yellow or amber in color;
    - (B) be of a fail-safe design; and
    - (C) have two indicators viewable from the control panel indicating when x-rays are being produced in a period of greater than 0.5 seconds.
  - (5) The "X-ray Off" indicators shall be:
    - (A) red in color; and
    - (B) permanently marked.
  - (6) Shutters devices that control emission of the primary beam shall activate two visual indicators of contrasting colors from the operator's station. One shall activate when shutters are fully closed and the other shall activate when the shutters are not fully closed.
  - (7) Selection indicators shall indicate which tube assembly or focal spot has been selected if more than one x-ray tube assembly or focal spot can be operated from the control panel.
  - (8) Warning Device: A red warning lamp or audible device shall be provided on or near the tube assembly in an open beam, for non-permanent installations.
- (j) All RGDs shall be secured to prevent access and operation of the device by any individual not meeting the requirements of Rule .0803 of this Section.

*History Note: Authority G.S. 104E-7; 104E-11; 104E-12; Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0806 Eff. February 1, 2015; Amended Eff. October 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0807 SECURITY SCREENING EQUIPMENT REQUIREMENTS FOR GOVERNMENT USE ONLY**

- (a) All security screening devices shall meet the following additional requirements:
  - (1) Security screening RGDs shall only be utilized by accredited bomb squads, certified bomb technicians, law enforcement agencies, or forensic investigators.

- (2) The operator must be present and maintain access control during operation of the RGD. If the RGD is not operated in a restricted area and the RGD is capable of producing a radiation area, the operator shall:
- (A) establish a visible barrier;
  - (B) perform a visual check of the controlled area to ensure all unauthorized individuals are removed prior to activating or initiating the RGD; and
  - (C) if the operator is unable to maintain visual control of the area during operation of the RGD, the operator is required to implement additional means to control the area so no one can access the radiation area.
- (3) Utilization logs shall be maintained each time the RGD is used and accurately include the following:
- (A) date and time of use;
  - (B) location of use; and
  - (C) operator of the RGD.
- (4) Records of utilization logs shall be available for agency review during inspection.
- (b) All security screening systems shall meet the following additional requirements:
- (1) Security screening systems shall only be utilized in a correctional institution, detention center, jail, or prison for public safety and security screening purposes.
  - (2) No individual shall be exposed to the useful beam unless authorized by a law enforcement agency representative.
  - (3) No individual shall be exposed to the useful beam for demonstration or training purposes.
  - (4) Screening of staff for training purposes is prohibited.
  - (5) Policies and procedures shall be established for screening of minors and pregnant individuals.
  - (6) An inspection zone shall be:
    - (A) established around the system where bystanders are prohibited during operation;
    - (B) visibly marked; and
    - (C) the ambient dose equivalent outside the inspection zone shall not exceed 2 mrem (20 microSv) in any 1 hour.
  - (7) The system shall be stationary, and the exposure switch shall be located in a manner requiring the operator to remain behind a protected barrier during the entire exposure while able to view the following:
    - (A) the individual being scanned;
    - (B) the inspection zone; and
    - (C) any access areas.
  - (8) Equipment surveys shall be conducted to verify compliance with reference effective dose limits, the inspection zone, and manufacturer specified parameters. Surveys shall be performed:
    - (A) upon installation;
    - (B) every 12 months; and
    - (C) after maintenance that may affect the system's shielding or x-ray beam.
  - (9) Reference effective dose limits shall be met as follows:
    - (A) General-use systems reference effective dose shall not exceed 25 microrem (.25 microSv) per screening.
    - (B) Limited-use systems reference effective dose shall not exceed 1 mrem (10 microSv) per screening.
    - (C) The reference effective dose received by an individual shall not exceed 25 mrem (250 microSv) in a 12-month period for both general use and limited-use systems.
  - (10) Compliance to reference effective dose limits shall be demonstrated by the registrant maintaining records of each individual screened. Records shall show one of the following:
    - (A) the number of screenings each individual received, for General-use systems, does not exceed 1,000 in a 12-month period; or
    - (B) the reference effective dose multiplied by the number of screenings, for both General-use and Limited-use systems, does not exceed 25 mrem (250 microSv) in a 12-month period.
  - (11) Records of each individual scanned at the same facility shall be available for review by an authorized representative of the Radiation Protection Section during inspection.
  - (12) Each individual being screened shall be informed of the system emits radiation and be provided with the following prior to scanning:
    - (A) the estimated effective dose from one screening;
    - (B) an example to compare the dose to a commonly known source of radiation; and
    - (C) confirmation the screening complies with the reference effective dose limits in Subparagraph (b)(9) of this Rule.

*History Note: Authority G.S. 104E-7; Eff. October 1, 2015; Amended Eff. November 1, 2024.*

**10A NCAC 15 .0808 OTHER EQUIPMENT REQUIREMENTS**

(a) RGD's not listed in Rule .0801 of this Section, or that are not able to meet the equipment requirements of either Rule .0806 or .0807 of this Section, shall not be sold, installed, or used prior to

the agency completing review of information regarding the RGD and determining if use of the RGD is allowed. The user or manufacturer of the RGD shall submit the following information to the agency for review:

- (1) equipment form for application;
- (2) manufacturer manual;
- (3) description of use;
- (4) operator training;
- (5) a survey in accordance with Rule.0805(d) of this Section;
- (6) an area survey in accordance with Rule.0805(e)(2) of this Section;
- (7) the hazard level associated with use of the RGD; and
- (8) means to achieve radiation protection equivalent to the rules of this Section.

(b) After receiving the information in Paragraph (a) of this Rule, the agency will respond to the applicant in writing within 30 days. Upon review, the agency may require additional information if use of the RGD is allowed.

*History Note: Authority G.S. 104E-7;  
Eff. October 1, 2015;  
Amended Eff. November 1, 2024.*

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**10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS**

(a) The following is a list of communicable diseases and communicable conditions which shall be reported within the time period specified after the disease or condition is reasonably suspected to exist pursuant to Article 6 of Chapter 130A of the North Carolina General Statutes and this Subchapter:

- (1) acquired immune deficiency syndrome (AIDS) — 24 hours;
- (2) acute flaccid myelitis — 7 days;
- (3) anaplasmosis — 7 days;
- (4) anthrax — immediately;
- (5) arboviral infection, neuroinvasive — 7 days;
- (6) babesiosis — 7 days;
- (7) botulism — immediately;
- (8) brucellosis — 7 days;
- (9) campylobacter infection — 24 hours;
- (10) *Candida auris* — 24 hours;
- (11) Carbapenemase—producing organisms (CPO) — 24 hours;
- (12) chancroid — 24 hours;
- (13) chikungunya virus infection — 24 hours;
- (14) chlamydial infection (laboratory confirmed) — 7 days;
- (15) cholera — 24 hours;
- (16) Creutzfeldt Jakob disease — 7 days;
- (17) cronobacter infection, invasive, in individuals less than 12 months of age — 24 hours;
- (18) cryptosporidiosis — 24 hours;
- (19) cyclosporiasis — 24 hours;
- (20) dengue — 7 days;
- (21) diphtheria — 24 hours;

- (22) *Escherichia coli*, shiga toxin—producing infection — 24 hours;
- (23) ehrlichiosis — 7 days;
- (24) foodborne disease, including *Clostridium perfringens*, staphylococcal, *Bacillus cereus*, and other and unknown causes — 24 hours;
- (25) gonorrhea — 24 hours;
- (26) granuloma inguinale — 24 hours;
- (27) *Haemophilus influenzae*, invasive disease — 24 hours;
- (28) Hantavirus infection — 7 days;
- (29) Hemolytic—uremic syndrome — 24 hours;
- (30) Hemorrhagic fever virus infection — immediately;
- (31) hepatitis A — 24 hours;
- (32) hepatitis B — 24 hours;
- (33) hepatitis B carriage — 7 days;
- (34) hepatitis C, acute — 7 days;
- (35) human immunodeficiency virus (HIV) infection confirmed — 24 hours;
- (36) influenza virus infection causing death — 24 hours;
- (37) legionellosis — 7 days;
- (38) leprosy — 7 days;
- (39) leptospirosis — 7 days;
- (40) listeriosis — 24 hours;
- (41) Lyme disease — 7 days;
- (42) Lymphogranuloma venereum — 7 days;
- (43) malaria — 7 days;
- (44) measles (rubeola) — immediately;
- (45) meningitis, pneumococcal — 7 days;
- (46) meningococcal disease — 24 hours;
- (47) Middle East respiratory syndrome (MERS) — 24 hours;
- (48) mpox — 24 hours;
- (49) mumps — 7 days;
- (50) nongonococcal urethritis — 7 days;
- (51) novel coronavirus infection causing death — 24 hours;
- (52) novel coronavirus infection — immediately;
- (53) novel influenza virus infection — immediately;
- (54) plague — immediately;
- (55) paralytic poliomyelitis — 24 hours;
- (56) pelvic inflammatory disease — 7 days;
- (57) psittacosis — 7 days;
- (58) Q fever — 7 days;
- (59) rabies, human — 24 hours;
- (60) rubella — 24 hours;
- (61) rubella congenital syndrome — 7 days;
- (62) salmonellosis — 24 hours;
- (63) salmonella typhi infection — 24 hours;
- (64) salmonella paratyphi infection — 24 hours;
- (65) severe acute respiratory syndrome (SARS) — 24 hours;
- (66) shigellosis — 24 hours;
- (67) smallpox — immediately;
- (68) spotted fever rickettsiosis — 7 days;
- (69) *Staphylococcus aureus* with reduced susceptibility to vancomycin — 24 hours;

- (70) streptococcal infection, Group A, invasive disease — 7 days;
- (71) syphilis — 24 hours;
- (72) tetanus — 7 days;
- (73) toxic shock syndrome — 7 days;
- (74) trichinosis — 7 days;
- (75) tuberculosis — 24 hours;
- (76) tularemia — immediately;
- (77) typhus, epidemic (louse—borne) — 7 days;
- (78) vaccinia — 24 hours;
- (79) varicella — 24 hours;
- (80) vibrio infection (other than cholera) — 24 hours;
- (81) whooping cough — 24 hours;
- (82) yellow fever — 7 days; and
- (83) zika virus — 24 hours.
- (b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.
- (c) In addition to the laboratory reports for *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, and syphilis specified in G.S. 130A—139, laboratories shall report the following in accordance with Rule .0102(d) of this Subchapter:
- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
    - (A) *Anaplasma* spp., the causes of anaplasmosis.
    - (B) Any hantavirus.
    - (C) Any hemorrhagic fever virus.
    - (D) Arthropod—borne virus (any type).
    - (E) *Babesia* spp., the cause of babesiosis.
    - (F) *Bacillus anthracis*, the cause of anthrax.
    - (G) *Bordetella pertussis*, the cause of whooping cough (pertussis).
    - (H) *Borrelia burgdorferi*, the cause of Lyme disease (confirmed tests).
    - (I) *Brucella* spp., the causes of brucellosis.
    - (J) *Campylobacter* spp., the causes of campylobacteriosis.
    - (K) *Candida auris*.
    - (L) Carbapenemase—producing organisms (CPO).
    - (M) *Chlamydia trachomatis*, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
    - (N) *Clostridium botulinum*, a cause of botulism.
    - (O) *Clostridium tetani*, the cause of tetanus.
    - (P) Coronavirus, novel human strain.
    - (Q) *Corynebacterium diphtheriae*, the cause of diphtheria.
    - (R) *Coxiella burnetii*, the cause of Q fever.
    - (S) *Cryptosporidium* spp., the cause of human cryptosporidiosis.
    - (T) *Cyclospora cayetanensis*, the cause of cyclosporiasis.
    - (U) Dengue virus.
    - (V) *Ehrlichia* spp., the causes of ehrlichiosis.
    - (W) Shiga toxin—producing *Escherichia coli*, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.
    - (X) *Francisella tularensis*, the cause of tularemia.
    - (Y) Hepatitis A virus.
    - (Z) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
    - (AA) Human Immunodeficiency Virus, the cause of AIDS.
    - (BB) *Legionella* spp., the causes of legionellosis.
    - (CC) *Leptospira* spp., the causes of leptospirosis.
    - (DD) *Listeria monocytogenes*, the cause of listeriosis.
    - (EE) Measles virus.
    - (FF) Middle East respiratory syndrome virus.
    - (GG) Mpox.
    - (HH) Mumps virus.
    - (II) *Mycobacterium leprae*, the cause of leprosy.
    - (JJ) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.
    - (KK) Poliovirus (any), the cause of poliomyelitis.
    - (LL) Rabies virus.
    - (MM) *Rickettsia* spp., the cause of spotted fever rickettsiosis.
    - (NN) Rubella virus.
    - (OO) *Salmonella* spp., the causes of salmonellosis, *s. typhi* infection, and *s. paratyphi* infection.
    - (PP) *Shigella* spp., the causes of shigellosis.
    - (QQ) Smallpox virus, the cause of smallpox.
    - (RR) *Staphylococcus aureus* with reduced susceptibility to vancomycin.
    - (SS) *Trichinella spiralis*, the cause of trichinosis.

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| <p>(TT) Vaccinia virus.</p> <p>(UU) Varicella virus.</p> <p>(VV) <i>Vibrio</i> spp., the causes of cholera and other vibrioses.</p> <p>(WW) Yellow fever virus.</p> <p>(XX) <i>Yersinia pestis</i>, the cause of plague.</p> <p>(YY) Zika virus.</p> <p>(2) Isolation or other specific identification of the following organisms from normally sterile human body sites:</p> <p>(A) <i>Cronobacter</i> spp., if isolated or identified from individuals less than 12 months of age.</p> <p>(B) Group A <i>Streptococcus pyogenes</i> (group A streptococci).</p> <p>(C) <i>Haemophilus influenzae</i>, serotype b.</p> <p>(D) <i>Neisseria meningitidis</i>, the cause of meningococcal disease.</p> <p>(3) Positive serologic test results, as specified, for the following infections:</p> <p>(A) Fourfold or greater changes or equivalent changes in serum antibody titers to:</p> <p style="padding-left: 20px;">(i) Any arthropod—borne virus associated with neuroinvasive disease.</p> <p style="padding-left: 20px;">(ii) <i>Anaplasma</i> spp., the cause of anaplasmosis.</p> <p style="padding-left: 20px;">(iii) Any hantavirus or hemorrhagic fever virus.</p> <p style="padding-left: 20px;">(iv) <i>Chlamydia psittaci</i>, the cause of psittacosis.</p> <p style="padding-left: 20px;">(v) Chikungunya virus.</p> <p style="padding-left: 20px;">(vi) <i>Coxiella burnetii</i>, the cause of Q fever.</p> <p style="padding-left: 20px;">(vii) Dengue virus.</p> <p style="padding-left: 20px;">(viii) <i>Ehrlichia</i> spp., the causes of ehrlichiosis.</p> <p style="padding-left: 20px;">(ix) Measles (rubeola) virus.</p> <p style="padding-left: 20px;">(x) Mumps virus.</p> <p style="padding-left: 20px;">(xi) <i>Rickettsia rickettsii</i>, the cause of Rocky Mountain spotted fever.</p> <p style="padding-left: 20px;">(xii) Rubella virus.</p> <p style="padding-left: 20px;">(xiii) Varicella virus.</p> <p style="padding-left: 20px;">(xiv) Yellow fever virus.</p> <p>(B) The presence of IgM serum antibodies to:</p> <p style="padding-left: 20px;">(i) Any arthropod—borne virus associated with neuroinvasive disease.</p> <p style="padding-left: 20px;">(ii) Chikungunya virus.</p> <p style="padding-left: 20px;">(iii) <i>Chlamydia psittaci</i>.</p> <p style="padding-left: 20px;">(iv) Dengue virus.</p> <p style="padding-left: 20px;">(v) Hepatitis A virus.</p> <p style="padding-left: 20px;">(vi) Hepatitis B virus core antigen.</p> <p style="padding-left: 20px;">(vii) Mumps virus.</p> <p style="padding-left: 20px;">(viii) Rubella virus.</p> | <p style="padding-left: 40px;">(ix) Rubeola (measles) virus.</p> <p style="padding-left: 40px;">(x) Yellow fever virus.</p> <p>(4) Laboratory results from tests to determine the absolute and relative counts for the T—helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.</p> <p>(5) Identification of CPO from a clinical specimen associated with either infection or colonization, including all susceptibility results and all phenotypic or molecular test results.</p> <p>(d) Laboratories utilizing electronic laboratory reporting (ELR) shall report in addition to those listed under Paragraph (c) of this Rule:</p> <p style="padding-left: 20px;">(1) All positive laboratory results from tests used to diagnosis chronic Hepatitis C Infection, including the following:</p> <p style="padding-left: 40px;">(A) Hepatitis C virus antibody tests (including the test specific signal to cut—off (s/c) ratio);</p> <p style="padding-left: 40px;">(B) Hepatitis C nucleic acid tests;</p> <p style="padding-left: 40px;">(C) Hepatitis C antigen(s) tests; and</p> <p style="padding-left: 40px;">(D) Hepatitis C genotypic tests.</p> <p style="padding-left: 20px;">(2) All HIV genotypic test results, including when available:</p> <p style="padding-left: 40px;">(A) The entire nucleotide sequence; or</p> <p style="padding-left: 40px;">(B) The pol region sequence (including all regions: protease (PR)/reverse transcriptase (RT) and integrase (INI) genes, if available).</p> <p style="padding-left: 20px;">(3) All test results for Interferon Gamma Release Assays.</p> <p><i>History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141; Amended Eff. October 1, 1994; February 1, 1990; Temporary Amendment Eff. July 1, 1997; Amended Eff. August 1, 1998; Temporary Amendment Eff. February 13, 2003; October 1, 2002; February 18, 2002; June 1, 2001; Amended Eff. April 1, 2003; Temporary Amendment Eff. November 1, 2003; May 16, 2003; Amended Eff. January 1, 2005; April 1, 2004; Temporary Amendment Eff. June 1, 2006; Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006; Temporary Amendment Eff. January 1, 2010; Temporary Amendment Expired September 11, 2011; Amended Eff. July 1, 2013; Temporary Amendment Eff. December 2, 2014; Amended Eff. October 1, 2015; Emergency Amendment Eff. March 1, 2016; Temporary Amendment Eff. July 1, 2016; Amended Eff. January 1, 2018; October 1, 2016; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. October 1, 2018; Emergency Amendment Eff. February 17, 2020; Temporary Amendment Eff. April 24, 2020; Amended Eff. April 1, 2021; July 1, 2020; Amended Eff. November 1, 2024.</i></p> |
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**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 09B .0104 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a Commission approved basic law enforcement training course pursuant to Rule 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining physician, physician or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2).

(c) The examining physician, physician's assistant, nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form. The Medical Examination Report Form (F-2) shall contain the following information:

- (1) Name, date of birth, employing agency, height, weight, and last 4 digits of the Social Security Number for the person being examined;
- (2) Results of Vision Acuity;
- (3) Results of Hearing Acuity;
- (4) Results of Cardiovascular Examination;
- (5) Abnormal Findings;
- (6) Tuberculosis Risk Questionnaire;
- (7) Tuberculosis Symptom Questionnaire; and
- (8) Name, signature, and medical license number of examining medical professional.

(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Commission approved basic law enforcement training course; and
- (2) the employing agency submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. November 1, 2024; October 1, 2022.*

**12 NCAC 09B .0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS**

(a) An institution or agency shall secure school accreditation pursuant to 12 NCAC 09C .0401 prior to offering any criminal justice training course.

(b) Each institution or agency accredited by the Commission to administer Commission-accredited criminal justice training programs shall designate one compensated staff member for each commission-accredited program for which the institution or agency has been granted accreditation. Such staff member shall be certified by the Commission under Section .0500 of this Subchapter to be the criminal justice School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and managing each sponsored accredited criminal justice training course. If the Commission-accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

(c) The Commission-accredited institution or agency shall permanently maintain records of all criminal justice training courses sponsored or delivered by the school, reflecting:

- (1) course title;
- (2) delivery hours of course;
- (3) course delivery dates;
- (4) names and addresses of instructors utilized within designated subject-matter areas;
- (5) a roster of enrolled trainees, showing class attendance and designating whether each trainee's course participation was successful or unsuccessful;
- (6) copies of all rules, regulations and guidelines developed by the School Director;
- (7) documentation of any changes in the initial course outline, including substitution of instructors; and
- (8) documentation of make-up work achieved by each individual trainee, including test scores and methods.

(d) The Commission-accredited institution or agency offering any criminal justice training program or course of instruction shall meet or exceed the following specifications:

- (1) acquire and allocate financial resources to provide commission certified instructors and to meet other program expenses; and
- (2) provide one designated clerical support person to assist the School Director in maintaining required records, complete reports, and provide other clerical needs as required by the School Director.

(e) In the event an accredited institution or agency does not own the classrooms, physical training rooms, firing range, or driving track required for training delivery, written agreements between entities involved shall be in place in order to ensure access to and

use of such facilities. A copy of such agreement must be on file for review by staff to the Commission.

(f) The North Carolina Justice Academy is accredited by the Commission to administer the following Specialized Instructor programs:

- (1) Specialized Instructor – Compliance and Control Tactics;
- (2) Specialized Instructor - Law Enforcement Firearms;
- (3) Specialized Instructor – Law Enforcement Driver Training;
- (4) Specialized Instructor – Physical Fitness; and
- (5) Specialized Instructor – Explosive and Hazardous Emergencies.

(g) The North Carolina State Highway Patrol is accredited by the Commission to administer the Specialized Instructor – Law Enforcement Driving Program.

(h) The North Carolina Department of Adult Correction (DAC) Office of Staff Development and Training is accredited by the Commission to administer the DAC-Firearms Instructor and DAC-Controls, Restraints, and Defensive Techniques programs.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. November 1, 1981; Readopted Eff. July 1, 1982; Amended Eff. August 1, 2004; August 1, 2000; January 1, 1996; March 1, 1992; January 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. November 1, 2024.*

**12 NCAC 09B .0504 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a Commission approved training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09B .0302;
- (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104;
- (4) attend or have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff;
- (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for

whom the applicant will be the designated Qualified Assistant; and

- (6) In addition to the requirements identified in this Paragraph to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

(b) As directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

*History Note: Authority G.S. 17C-6; Eff. January 1, 2020; Amended Eff. November 1, 2024.*

**12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0504(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the Rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division shall notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it has found the person has engaged in any conduct outlined in Rule .0301(e) or (f) of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in Rule .0504(c) of this Section.
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director shall grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training

session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 2020;  
Amended Eff. November 1, 2024.*

**12 NCAC 09C .0212 POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Post-Delivery Report of Training Course Presentation (Form F-10B) is a form on which the School Director notifies the Commission of the completion of the Commission-accredited Basic Law Enforcement Training Course, together with the achievement and performance level attained by each enrolled trainee. The information requested includes a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor-skill examination administered by the school.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2025.*

**12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL**

(a) An officer, supervisor or administrator with general certification, pursuant to 12 NCAC 09C .0304, may transfer from one local confinement facility to another local confinement facility, or may transfer from one county confinement facility to another county confinement facility with less than a 12-month break in service.

(b) Prior to employing the individual, the employing agency shall:

- (1) verify the certification, pursuant to 12 NCAC 09C .0304, of the individual with the Standards Division;
- (2) submit an up-to-date fingerprint check, pursuant to 12 NCAC 09B .0103;
- (3) pursuant to 12 NCAC 09C .0302, advise the individual that he will be serving under a probationary appointment with the agency for one year;
- (4) notify the Commission, by submitting a Report of Appointment, Form F-5A (LCP), that the individual is being employed and stating the date on which employment will commence. The Report of Appointment, Form F-5A (LCP) shall contain the following:
  - (A) Employing agency;
  - (B) Applicant's name, address, date of birth, and Social Security Number;
  - (C) Drug Screen result, pursuant to 12 NCAC 09C .0310; and
  - (D) Fingerprint Requirement, pursuant to 12 NCAC 09B .0103.

(b) Prior to transfer of certification, local confinement personnel shall:

- (1) complete a Medical History Statement Form F-1 within one year prior to the transfer to the employing agency. The Medical History Statement Form F-1 shall contain the following information regarding the local confinement person being transferred;
    - (A) name, date of birth, address, telephone number;
    - (B) current medications, allergies, and past medical history;
    - (C) occupational history; and
    - (D) name and signature of a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board,
  - (2) submit to examination by a physician who holds a current license to practice medicine in the United States pursuant to 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
  - (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
  - (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5).
- (c) Certified local confinement personnel who transfer to another agency within 12 months of leaving their previous position are exempt from meeting the educational or basic training requirements of this Rule. This exemption applies only if they were not initially required to meet these requirements when they were first employed by the agency from which they were transferring.
- (d) No certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. June 1, 1986;  
Amended Eff. August 1, 1998; July 1, 1990; March 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. November 1, 2024.*

**12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

(a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests

authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;

- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff must use an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
- (5) conduct the test within 90 days of employment;
- (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the applicant or lateral transfer to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), who holds a current license to practice medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (b)(3) of this Rule, then the positive results are not required to be reported.

(c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the

officer has explained the positive result to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920) who holds a current license to practice medicine in the United States as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (a)(3) of the Rule then the positive results are not required to be reported.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of a controlled substance at a level equal to or greater than the threshold value, current at the time of the test, as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of a controlled substance at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1990; Amended Eff. October 1, 2018; May 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. November 1, 2024; October 1, 2022.*

**12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN SERVICE TRAINING**

*History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1989; Amended Eff. January 1, 2005; November 1, 1998; Temporary Amendment Eff. January 1, 2005; Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016; January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020; Repealed Eff. November 1, 2024.*

**12 NCAC 09G .0203 AGE**

*History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. November 1, 2024.*

**12 NCAC 09G .0205 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer as listed in the current job description provided by the North Carolina Department of Adult Correction.

(b) Prior to being examined, the applicant shall provide the examining physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed by the applicant; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

(c) The examining physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Temporary Amendment Eff. February 15, 2022; Amended Eff. November 1, 2024; May 1, 2023; October 1, 2022; August 23, 2022.*

**12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

(a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered according to the following specifications:

- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then the agency needs an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
- (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
- (5) conduct the test within 90 days of employment;
- (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant to the satisfaction of the Medical

Review Officer who pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), holds a current license to practice medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (a)(3) of this Rule, then the positive results are not required to be reported.

(c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920) who holds a current license to practice medicine, in the United States as more like than not caused by a source other than the lawful use of substances listed in Subparagraph (a)(3) of the Rule then the positive results are not required to be reported.

(d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of a controlled substance at a level equal to or greater than the threshold value, current at the time of the test as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

(f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. May 1, 2023; Amended Eff: November 1, 2024.*

**12 NCAC 09G .0304 GENERAL CERTIFICATION**

(a) The Commission shall grant an officer General Certification when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and are exempted from reverification of employment standards of 12 NCAC 09G .0205, .0208 (except 12 NCAC 09G .0208(4)), and

.0209 (except 12 NCAC 09G .0209(4)) when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Notice of Transfer to the Standards Division.

(1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.

(2) The Commission shall grant an officer General Certification as the new type of corrections officer when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, within the officer's probationary period and the officer has met all other requirements for General Certification.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. January 1, 2015; August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. November 1, 2024; May 1, 2023.*

**12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a Commission approved training course, a Qualified Assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09B .0302;
- (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.
- (4) attend or have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff;
- (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for

the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified Assistant; and

(6) In addition to the requirements identified in this Paragraph, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

(b) As directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

*History Note: Authority G.S. 17C-6; Eff. January 1, 2020; Amended Eff. November 1, 2024.*

**12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0417(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division shall notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in Rule .0417(c) of this Section;
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director shall grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means

accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6; Eff. January 1, 2020; Amended Eff. November 1, 2024.*

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**12 NCAC 10B .0601 DETENTION OFFICER CERTIFICATION COURSE**

(a) The detention officer certification training program shall consist of the 182-hour Detention Officer Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.

(b) Each Detention Officer Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) LEGAL UNIT
  - (A) Orientation 3 hours
  - (B) Criminal Justice Systems 2 hours
  - (C) Legal Aspects of Management and Supervision 14 hours
  - (D) Introduction to Rules and Regulations 2 hours
  - (E) Ethics 3 hours
  - UNIT TOTAL 24 Hours
- (2) PHYSICAL UNIT
  - (A) Contraband/Searches 6 hours
  - (B) Patrol and Security 5 hours
  - (C) Key and Tool Control 2 hours
  - (D) Investigative Process 8 hours
  - (E) Transportation of Inmates 7 hours
  - (F) Prison Rape Elimination Act 2 hours
  - UNIT TOTAL 30 Hours
- (3) PRACTICAL APPLICATION UNIT
  - (A) Processing Inmates 8 hours
  - (B) Supervision and Management of Inmates 5 hours
  - (C) Suicides and Crisis Management 5 hours
  - (D) Aspects of Mental Illness 6 hours
  - (E) Fire Emergencies 4 hours
  - (F) Notetaking and Report Writing 6 hours
  - (G) Communication Skills 5 hours
  - UNIT TOTAL 39 hours
- (4) MEDICAL UNIT
  - (A) First Aid and CPR 8 hours
  - (B) Medical Care 6 hours
  - (C) Stress 3 hours
  - (D) Subject Control Techniques 40 hours

(E)	Physical Fitness for Detention Officers	22 hours
	UNIT TOTAL	79 hours
(5)	REVIEW AND TESTING	7 hours
(6)	STATE EXAM	3 hours
	TOTAL HOURS	182 HOURS

*Amended Eff. April 1, 2001;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*  
*Amended Eff. November 1, 2024.*

(c) No Detention Officer Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0704 and .0802 of this Subchapter. Any agency or institution desiring to offer the Detention Officer Certification Course shall file a Pre-Delivery Report, Form F-7A, with the Division.

*History Note: Authority G.S. 17E-4(a);*  
*Eff. January 1, 1989;*  
*Amended Eff. August 1, 2016; February 1, 2014; August 1, 2011;*  
*October 1, 2009; January 1, 2006; August 2, 2002; August 1, 2000;*  
*August 1, 1998; February 1, 1998; January 1, 1996; June 1, 1992;*  
*January 1, 1992; January 1, 1991;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*  
*Amended Eff. July 1, 2025.*

**12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE**

(a) The telecommunicator certification training program shall consist of the 47-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.

(b) Each Telecommunicator Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	2 hours
(2)	Introductory Topics for the Telecommunicator	3 hours
(3)	Interpersonal Communication	2 hours
(4)	Civil Liability for the Telecommunicator	5 hours
(5)	Telecommunications Systems and Equipment	3 hours
(6)	Overview of Emergency Services	7 hours
(7)	Call Reception and Prioritization	8 hours
(8)	Broadcasting Techniques and Resource Allocation	7 hours
(9)	Telecommunicator Training Practicum	8 hours
(10)	State Comprehensive Examination	2 hours
	TOTAL HOURS	47 hours

(c) No Telecommunicator Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0709 and .0804 of this Subchapter. Any agency or institution desiring to offer the Telecommunicator Certification Course shall file a Pre-Delivery Report, Form F-7A-T, with the Division.

*History Note: Authority G.S. 17E-4(a);*  
*Temporary Adoption Eff. March 1, 1998;*  
*Eff. August 1, 1998;*

**TITLE 13 - DEPARTMENT OF LABOR**

**13 NCAC 13 .0101 DEFINITIONS**

The following definitions shall apply throughout the rules in this Chapter and shall be construed as controlling in case of any conflict with the definitions contained in ANSI/NB-23 National Board Inspection Code Parts 2, 3, and 4, The American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or The North Carolina State Building Code:

- (1) "Accepted Design and Construction Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME Code), or a comparable code with standards that the Chief Inspector determines to be equivalent to the ASME Code.
- (2) "Appurtenance" means any control, fitting, appliance, or device attached to or working in conjunction with the boiler proper or pressure vessel.
- (3) "ASME Code" means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.
- (4) "Audit" means activities, other than certificate inspections, conducted by the Chief Inspector or his or her designee. Audits include the following:
  - (a) reviews for ASME and National Board certificate issuance and renewal;
  - (b) audits conducted of an authorized inspector at the location of a manufacturer or repair organization as may be required by the ASME Code, National Board Inspection Code, or National Board Rules for Commissioned Inspectors; and
  - (c) audits pursuant to evaluation for the issuance of North Carolina Specials.
- (5) "Automatically fired boiler" means a boiler that cycles in response to a control system and that does not require a constant attendant for the purpose of introducing fuel into the combustion chamber or to control electrical input. Electricity shall be considered a fuel for electrically fired boilers.
- (6) "Authorized Inspection Agency" means an organization employing commissioned inspectors, including the following:
  - (a) the Bureau, as defined in Item (11) of this Rule.
  - (b) an inspection agency of an insurance company licensed to write boiler and pressure vessel insurance; or

- (c) an owner-user inspection organization that is accredited by the National Board.
- (7) "Authorized inspector" means an employee of an Authorized Inspection Agency who is commissioned by the National Board and this State, holds an endorsement on his or her National Board Commission appropriate for the work to be performed, and inspects as the third party inspector in ASME Code manufacturing facilities.
- (8) "Boiler," as defined in G.S. 95-69.9(b), includes the following types of boilers:
  - (a) "Exhibition boiler" means a historical or antique boiler that generates steam or hot water for the purposes of entertaining or educating the public or is used for demonstrations, tourist transportation, or exhibitions. This term includes boilers used in steam tractors, threshers, steam powered sawmills, and similar uses;
  - (b) "High pressure boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig or water is heated to a temperature greater than 250°F and a pressure greater than 160 psig for use external to itself. High pressure boilers include the following:
    - (i) Electric boilers;
    - (ii) Miniature boilers;
    - (iii) High temperature water boilers; and
    - (iv) High temperature liquid boilers (other than water);
  - (c) "Low pressure boiler" means a boiler in which steam or other vapor is generated at a pressure of not more than 15 psig or water is heated to a temperature not greater than 250°F and a pressure not greater than 160 psig, including the following:
    - (i) "Hot water heating boiler" means a low pressure boiler that supplies heated water that is returned to the boiler from a piping system and is used normally for building heat applications (hydronic boiler);
    - (ii) "Hot water supply boiler" means a low pressure boiler that furnishes hot water to be used externally to itself; and
    - (iii) "Steam heating boiler" means a low pressure boiler that generates steam to be used normally for building heat applications;
- (d) "Model hobby boiler" means a boiler that generates steam, whether stationary or mobile, and is used for the purpose of entertainment or exhibiting steam technology, where the boiler does not exceed:
  - (i) 20 square feet of heating surface;
  - (ii) a shell diameter of 16 inches;
  - (iii) a volume of 5 cubic feet; and
  - (iv) a pressure of 150 psig;
- (e) "Water heater" means a closed vessel in which water is heated by the combustion of fuel, by electricity, or by any other source, and withdrawn for potable use external to the system at pressures not exceeding 160 psig and temperatures not exceeding 210°F.
- (9) "Boiler blowoff" means the system associated with the rapid draining of boiler water to remove concentrated solids that have accumulated as a result of steam generation. This term also applies to the blowoff for other boiler appurtenances, such as the low-water fuel cutoff.
- (10) "Boiler proper" or "pressure vessel" means the internal mechanism, shell, and heads of a boiler or pressure vessel terminating at:
  - (a) the first circumferential joint for welded end connections;
  - (b) the face of the first flange in bolted flange connections; or
  - (c) the first threaded joint in threaded connections.
- (11) "Bureau" means the Boiler Safety Bureau of the North Carolina Department of Labor.
- (12) "Certificate inspection" means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding, or revoking the inspection certificate. The term "certificate inspection" also applies to the external inspection conducted in accordance with this Chapter whether or not a certificate is intended to be issued as a result of the inspection.
- (13) "Condemned boiler or pressure vessel" means a boiler or pressure vessel:
  - (a) that has been found not to comply with G.S. Chapter 95, Article 7A, or this Chapter;
  - (b) that constitutes a menace to public safety; and
  - (c) that cannot be repaired or altered so as to comply with G.S. Chapter 95, Article 7A, and this Chapter.

- (14) "Coil type watertube boiler" means a boiler having no steam space, such as a steam drum, whereby the heat transfer portion of the water-containing space consists only of a coil of pipe or tubing.
- (15) "Commissioned inspector" means an employee of an Authorized Inspection Agency who is commissioned by the National Board and this State, holds an endorsement on his or her National Board Commission appropriate for the work to be performed, and who is charged with conducting in-service inspections of pressure equipment and inspecting repairs or alterations to that equipment.
- (16) "Defect" means any deterioration to the pressure equipment affecting the integrity of the pressure boundary or its supports. Defects may be cracks, corrosion, erosion, bags, bulges, blisters, leaks, broken parts integral to the pressure boundary such as stays, or other flaws identified by NDE or visual inspection.
- (17) "Deficiency" means any violation of the Uniform Boiler and Pressure Vessel Act, rules of this Chapter, or identified defects.
- (18) "Design criteria" means design and construction code requirements relating to the mode of design and construction of a boiler or pressure vessel.
- (19) "Equipment" means any boiler or pressure vessel subject to inspection by the Bureau.
- (20) "External inspection" means an inspection of the external surfaces and appurtenances of a boiler or pressure vessel. An external inspection may entail "shutting down" a boiler or pressure vessel while it is in operation, including inspection of internal surfaces, if the inspector determines this action is warranted.
- (21) "Hydropneumatic storage tank" means a pressure vessel used for storage of water at a temperature not to exceed 110 °F and where a cushion of air is contained within the vessel.
- (22) "Imminent danger" means any condition or practice in any location that a boiler or pressure vessel is being operated such that a danger exists that could be expected to cause death or serious physical harm if the condition is not abated.
- (23) "Insurance inspector" means the special inspector employed by an insurance company, and holding a valid North Carolina Commission and National Board Commission.
- (24) "Internal inspection" means as complete an examination as can be made of the internal and external surfaces and appurtenances of a boiler or pressure vessel while it is shut down.
- (25) "Maximum allowable working pressure" or "MAWP" means the maximum gauge pressure as determined by employing the stress values, design rules, and dimensions designated by the accepted design and construction code or as determined by the Chief Inspector in accordance with this Chapter.
- (26) "Menace to public safety" means a boiler or pressure vessel that cannot be operated without a risk of injury to persons and property.
- (27) "Miniature boiler" means a boiler that does not exceed any of the following:
  - (a) 16 inch inside shell diameter;
  - (b) 20 square feet of heating surface (does not apply to electrically fired boilers);
  - (c) 5 cubic feet volume; and
  - (d) 100 psig maximum allowable working pressure.
- (28) "National Board Commission" means the commission issued by the National Board to those individuals who have passed the National Board commissioning examination and have fulfilled the requirements of the National Board Rules for Commissioned Inspectors.
- (29) "National Board Inspection Code" or "NBIC" means the ANSI/NB-23 standard published by the National Board, as incorporated by reference under Rule .0103 of this Chapter.
- (30) "Nondestructive examination" or "NDE" means examination methods used to verify the integrity of materials and welds in a component without damaging its structure or altering its mechanical properties. NDE may involve surface, subsurface, and volumetric examination. Visual inspection, x-rays, and ultrasound are examples of NDE.
- (31) "Nonstandard boiler or pressure vessels" means:
  - (a) high pressure boilers contracted for or installed before December 7, 1935;
  - (b) heating boilers contracted for or installed before January 1, 1951;
  - (c) pressure vessels contracted for or installed before January 1, 1976;
  - (d) hydropneumatic storage tanks contracted for or installed before January 1, 1986; and
  - (e) boilers or pressure vessels to which the ASME Code is not intended to apply, other than those boilers and pressure vessels to which the term North Carolina Special applies.
- (32) "Normal working hours" means between the hours of 6:00 AM and 6:00 PM, Monday through Friday, except for State recognized holidays established in 25 NCAC 01E .0901.
- (33) "North Carolina Commission" means the commission issued by the Commissioner to those individuals who have passed the examination administered by the Chief Inspector relating to the Uniform Boiler and Pressure Vessel Act and the rules of this Chapter, and who also hold a National Board

- Commission, authorizing them to conduct inspections in this State.
- (34) "North Carolina Special" means a boiler or pressure vessel that is not constructed in compliance with the Accepted Design and Construction Code as defined in Item (1) of this Rule and for which the owner or user shall apply for a special inspection certificate with the Chief Inspector.
- (35) "NPS" means nominal pipe size.
- (36) "Nuclear component" means the items in a nuclear power plant such as pressure vessels, piping systems, pumps, valves, and component supports.
- (37) "Nuclear system" means a system comprised of nuclear components that serve the purpose of producing and controlling an output of thermal energy from nuclear fuel and includes those associated systems essential to the function and overall safety of the power system.
- (38) "Operating pressure" means the pressure at which a boiler or pressure vessel operates. It shall not exceed the MAWP except as shown in Section I of the ASME Code for forced-flow steam generators.
- (39) "Owner or user" means any person or legal entity responsible for the operation of any boiler or pressure vessel installed in this State. This term also applies to a contractor, installer, or agent of the owner or user.
- (40) "Owner-user inspector" means an individual who holds a valid North Carolina Commission and National Board Commission and is employed by a company operating pressure vessels for its own use and not for resale and maintaining an inspection program that meets the requirements of the National Board for periodic inspection of pressure vessels owned or used by that company.
- (41) "Pressure piping" means piping, including welded piping, external to high pressure boilers from the boiler proper to the required valve(s).
- (42) "Pressure relief devices" mean the devices on boilers and pressure vessels set to open and relieve the pressure in the event of an over-pressurization event, and include the following:
- (a) "Non-reclosing pressure relief device" means a pressure relief device designed to remain open after operation; and
  - (b) "Pressure relief valve" means a pressure relief device that is designed to reclose and prevent the further flow of fluid after normal conditions have been restored. These devices include:
    - (i) "Relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve that opens further with the increase in pressure over the opening pressure;
    - (ii) "Safety relief valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action or by opening in proportion to the increase in pressure over the opening pressure; and
    - (iii) "Safety valve" means an automatic pressure relief valve that is actuated by static pressure upstream of the valve and characterized by full opening pop action.
- (43) "PSIG" means pounds per square inch gauge.
- (44) "Reinspection or Follow-Up Inspection" means an examination necessary to verify that any repair or corrective action required as a result of a certificate inspection is completed.
- (45) "Service vehicle" means a vehicle mounted with an air storage tank that services vehicles and equipment in the field away from the owner's shop.
- (46) "Shop inspection" means an inspection conducted by an Authorized Inspector or a Commissioned Inspector pursuant to an inspection service agreement whereby the fabrication process or the repair or alteration of a boiler or pressure vessel is observed to ensure compliance with the ASME Code and the NBIC.
- (47) "Special inspection" means any inspection conducted by a Deputy Inspector other than a regularly scheduled inspection, including the performance of an inspection by a Deputy Inspector that requires that the inspector make a special trip to meet the needs of the individual or organization requesting the inspection, conducting certificate inspections during hours other than normal working hours, and inspection of field repairs and alterations. A special inspection may be considered any inspection or activity not otherwise described in these Rules.
- (48) "Special inspector" means a National Board commissioned inspector employed by an insurance company authorized to write boiler and pressure vessel insurance in the State of North Carolina.
- (49) "Violation" means the failure to comply with the requirements of the Uniform Boiler and Pressure Vessel Act or this Chapter.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981;*

*Temporary Amendment [(16)]; Eff. March 10, 1982, for a Period of 120 Days to Expire on July 8, 1982; Amended Eff. March 1, 2017; March 1, 2015; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; January 1, 1987; January 1, 1986; June 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0103 INCORPORATED - STANDARDS**

(a) The following standards are incorporated by reference, including subsequent amendments and editions of the standards:

- (1) The ANSI/NB-23 National Board Inspection Code (NBIC) Parts 2, 3, and 4. Copies of the ANSI/NB-23 National Board Inspection Code Parts 2, 3, and 4 are available for inspection at the offices of the Bureau and may also be obtained from the National Board of Boiler and Pressure Vessel Inspectors, via U.S. Mail at 1055 Crupper Avenue, Columbus, Ohio 43229, via telephone at (614) 888-8320, or via the internet at [www.nationalboard.org](http://www.nationalboard.org). The costs, which does not include shipping and handling, are as follows:
  - (A) Complete Set (printed ), Parts 1-4: \$325.00;
  - (B) Individual (printed), Part 2: \$150.00;
  - (C) Individual (printed), Part 3: \$150.00;
  - (D) Individual (printed), Part 4: \$115.00; or
  - (E) Bundled Set (printed and PDF), Parts 1-4: \$435.00.
- (2) The American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. Copies of the complete set of the ASME Code are available for inspection at the offices of the Bureau and may also be obtained from the American Society of Mechanical Engineers, via U.S. Mail at 150 Clove Road, 6<sup>th</sup> Floor, Little Falls, New Jersey 07424-2139, via telephone at (800) 843-2763, via facsimile at (973) 882-1717 or (800) 843-2763, via email at [customer-care@asme.org](mailto:customer-care@asme.org), or via the internet at [www.asme.org](http://www.asme.org). The cost is twenty thousand one hundred ninety dollars (\$20,190).
- (3) The North Carolina State Building Code. Copies of the North Carolina State Building Code are available for inspection at the offices of the Bureau and may also be obtained from the North Carolina Department of Insurance, Office of the State Fire Marshal, Engineering & Codes, 1429 Rock Quarry Road, Raleigh, North Carolina, 27610. The cost of a North Carolina State Building Code, is one hundred twenty nine dollars (\$129.00) for walk-in clients; prices differ for digital versions, when ordering online, and for members of the International Code Council. The codes may be ordered via the internet at <https://www.ncosfm.gov/codes>.

(b) The rules of this Chapter shall control when any conflict between these Rules and the standards cited in Subparagraphs (a)(1) and (2) of this Rule exists. In the event that a conflict between these Rules and the North Carolina State Building Code exists, the more stringent standard prevails and shall be adhered to.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. January 1, 1995; Amended Eff. July 1, 2011; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0202 INSPECTOR QUALIFICATION**

(a) Deputy Inspectors, Special Inspectors and Owner-User Inspectors conducting in-service inspections shall be in possession of a valid National Board Commission and a valid North Carolina Commission.

(b) A North Carolina Commission shall be issued to an inspector who:

- (1) has attained a passing grade of 70 percent or higher on an examination administered by the Chief Inspector relating to the Uniform Boiler and Pressure Vessel Act and the rules of this Chapter; and
- (2) meets all other criteria as set forth in the Uniform Boiler and Pressure Vessel Act and this Chapter.

(c) If a North Carolina Commissioned inspector does not conduct at least one certificate inspection in North Carolina per calendar year, the inspector must retake and pass this examination before becoming commissioned again in this State. A certificate inspection shall be an inspection as described in Rule .0211 of this Chapter.

(d) National Board examinations are administered by the National Board of Boiler and Pressure Vessel Inspectors. Information on the examinations may be found on the National Board web site at [www.nationalboard.org](http://www.nationalboard.org) or by telephone at (614) 888-8320.

(e) The National Board Inservice Inspector examination covers the installation, operation, and inspection of boilers and pressure vessels and their appurtenances. A grade of 70 percent or higher must be attained to achieve a passing grade on the examination.

*History Note: Authority G.S. 95-69.11; 95-69.15; Eff. May 29, 1981; Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; September 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0203 NORTH CAROLINA COMMISSION**

(a) When requested by the employer and upon presentation of a completed Application for Commission as an Inspector of Boilers and Pressure Vessels, a North Carolina Commission, bearing the signature of the Commissioner or Chief Inspector, shall be issued

by the Chief Inspector to persons holding a valid National Board Commission who have taken and passed the examination specified in 13 NCAC 13 .0202(b).

(b) Applications for a North Carolina Commission shall be processed upon proof of a National Board Commission and payment of a thirty-five dollar (\$35.00) fee to the Department of Labor.

(c) North Carolina Commissions shall be valid on an annual basis through December 31, at which time the inspector's employer shall submit a renewal request letter and a thirty-five dollar (\$35.00) fee to the Department of Labor.

(d) The employing company shall immediately notify the Chief Inspector of the termination of any employee in possession of a North Carolina Commission.

(e) A North Carolina Commission may be suspended or revoked by the Commissioner in accordance with G.S. 95-69.11(20). Failure to conduct inspections in accordance with this Chapter shall constitute incompetence. Falsification of any statement in an application or inspection report, including a failure to inspect, shall constitute dishonesty. Suspension or revocation of a North Carolina Commission shall be based on evidence of incompetence or dishonesty.

(f) The Commissioner shall give notice of the commencement of proceedings for suspension or revocation of a commission pursuant to G.S. 150B-23. A North Carolina Commission may be suspended prior to the hearing if the Chief Inspector determines that, as a result of an inspector incompetence or dishonesty, the public health, safety, or welfare, is put at risk, the proceedings shall be promptly commenced and determined in accordance with G.S. 150B-3. The Commissioner's decision regarding the competency of an inspector shall be determined after comparing the inspector's knowledge, skill, and care taken during inspections with that possessed and employed by boiler and pressure vessel inspection personnel in good standing. Industry custom and practice shall be considered but are not determinative. The Commissioner shall give the inspector opportunity to show that he or she is conducting his or her duties in a competent manner and that suspension or revocation is unwarranted. If the inspector believes that the decision of the Commissioner is not warranted, the inspector may take exception to the determination, in which event the inspector may appeal the final determination of the action pursuant to G.S. 150B.

*History Note: Authority G.S. 95-69.11; 95-69.15; Eff. May 29, 1981; Amended Eff. March 1, 2017; March 1, 2015; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; March 2, 1992; September 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0207 INSPECTION REPORTS**

(a) Inspection reports shall be filed using National Board form NB-6 or a form containing the equivalent information. Inspectors shall file inspection reports with the Chief Inspector electronically into an inspection report database approved by the Chief Inspector:

- (1) within 10 working days after the date each inspection is performed;
- (2) immediately for all conditions of imminent danger, or any condition that would result in the insurance company's refusal to issue or continue an insurance policy on the boiler or pressure vessel;
- (3) shall include the insurance policy identifier covering any equipment inspected by a special inspector; and
- (4) shall include comments or indications as to the condition of items inspected and the results of any testing performed.

(b) Inspectors shall notify the Chief Inspector by telephone at (919) 707-7918 or email at boiler.safety@labor.nc.gov immediately upon becoming aware of an accident which renders a boiler or pressure vessel inoperative or causes damage to property, personal injury, or death.

(c) Should the inspector, during the course of making an inspection, find a condition of imminent danger, he they shall immediately notify the Chief Inspector by telephone at (919) 707-7918 or email at boiler.safety@labor.nc.gov so that steps might be taken to remove the device from service.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Amended Eff. July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0208 INSURANCE COMPANIES TO NOTIFY CHIEF INSPECTOR**

(a) All insurance companies shall notify the Chief Inspector within 10 working days if any of the following actions are taken concerning boiler or pressure vessels:

- (1) the issuance of a policy;
- (2) the cancellation of a policy; or
- (3) removal of a boiler or pressure vessel from service.

(b) All insurance companies shall notify the Chief Inspector within 10 working days regarding the non-renewal or suspension of a policy because of unsafe conditions.

(c) Notification for items listed under Paragraph (a) of this Rule shall be made electronically by using the National Board form NB-4, or a method determined by the Chief Inspector to be equivalent to the National Board form. Notifications under Paragraph (b) of this Rule shall be made by telephone at (919) 707-7918, email at boiler.safety@labor.nc.gov or overnight mail to 1101 Mail Service Center, Raleigh, NC 27699-1101 or package delivery service to the Boiler Safety Bureau, 4 West Edenton Street, Raleigh, NC 27601. All notifications shall include reference to the following:

- (1) Object, date of service and effective date;
- (2) Owner's number;
- (3) Jurisdiction number;
- (4) National Board number;
- (5) Name of manufacturer;
- (6) Name of owner including county;

- (7) Location of object including county;
- (8) User of object;
- (9) Date of last inspection for certificate;
- (10) Whether or not a certificate of inspection was issued; and
- (11) Reason for discontinuance or cancellation.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; January 1, 2020.*

**13 NCAC 13 .0210 SHOP INSPECTIONS AND NATIONAL BOARD "R" CERTIFICATE QUALIFICATION REVIEWS**

- (a) Shop Inspections.
  - (1) Manufacturers or repair firms seeking to employ the Boiler Safety Bureau to act as their Authorized Inspection Agency pursuant to the ASME Code or National Board Inspection Code, shall enter into a written agreement with the North Carolina Department of Labor, Boiler Safety Bureau for this purpose.
  - (2) An audit of the Deputy Inspector serving as the Authorized Inspector pursuant to Subparagraph (a)(1) of this Rule, and the contracting company in which he or she is working shall be conducted on an annual basis. The contracting company shall pay the audit fees required in Rule .0213 of this Section.
- (b) National Board "R" Certificate Qualification Reviews
  - (1) The Chief Inspector, or the Chief Inspector's designee, shall conduct the qualification reviews for issuance or renewal of the National Board "R" certificate of authorization pursuant to the National Board Inspection Code as adopted, except as provided in Subparagraph (b)(2) of this Rule. In the event the Chief Inspector or their designee is unable to conduct qualification reviews, the National Board will take over such responsibilities.
  - (2) The Chief Inspector or his designee shall not conduct the qualification reviews of those companies for which the Boiler Safety Bureau provides inspection services, or those companies which specifically request the review be conducted by the National Board.
  - (3) A review to be conducted by the Boiler Safety Bureau shall be scheduled upon receipt of request by the National Board.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Amended Eff. March 1, 2015; October 1, 2008; July 1, 2006; January 1, 1995;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0211 CERTIFICATE INSPECTIONS**

- (a) A commissioned inspector shall perform a direct in-person inspection of all boilers and pressure vessels at the time of installation and at regular intervals thereafter, as provided in this Rule.
- (b) Subject to the exceptions in Paragraphs (c) and (d) of this Rule, and after seven days' notice is given to the owner or user, an inspector shall conduct an internal inspection of a high pressure boiler at the time of installation and annually thereafter. An external inspection shall be conducted a minimum of once every 12 months while the boiler is in operation. The inspector shall ensure that the safety controls are operating as required. Issuance of the inspection certificate shall be based on the results of the internal inspection; however, if the inspector determines during the external inspection that an imminent danger exists, the inspector shall notify the Chief Inspector pursuant to 13 NCAC 13 .0301(d).
- (c) In place of the first internal inspection of a new high pressure boiler, an inspector may conduct an external inspection if the inspector determines that data sufficient to determine compliance with the rules of this Chapter can be gathered from an external inspection. This shall not apply to relocated used boilers or those for which extended inspection certificates are being requested.
- (d) Miniature boilers and coil-type watertube boilers operating as high pressure boilers shall undergo an external inspection annually while in operation. Miniature boilers and coil-type watertube boilers operating as heating boilers shall undergo an external inspection biennially while in operation.
- (e) Boilers heating a fluid other than water that do not produce steam or vapor operating as high pressure boilers, shall undergo an external inspection annually while in operation. Boilers heating a fluid other than water operating as heating boilers, shall undergo an external inspection biennially while in operation.
- (f) Hobby boilers, locomotive boilers, and exhibition boilers shall be inspected annually, in accordance with the requirements of the National Board Inspection Code, as applicable.
- (g) Low pressure boilers and pressure vessels, except hydropneumatic storage tanks, shall undergo an external inspection biennially while in operation.
- (h) Owner-user inspectors shall conduct inspections for pressure vessels as prescribed in this Rule.
- (i) Inspectors may order coverings removed, internal inspections, external inspections, removal of internal parts, testing or calibration of controls, indicating and safety devices and pressure tests whenever conditions warrant further evaluation of the pressure equipment. The inspector may also require the boiler to be started to verify the operating controls.
- (j) Hydropneumatic storage tanks shall undergo an external inspection every four years while in operation.
- (k) When the inspector or Chief Inspector determines that a certificate cannot be issued as a result of an inspection, the boiler or pressure vessel shall be reinspected after the necessary repairs are made.
- (l) Inspections shall be conducted in accordance with the National Board Inspection Code. The inspector may require controls,

indicating, and safety devices to be disassembled, tested, checked, or calibrated as necessary to ensure their proper operation.

(m) The Chief Inspector may extend an existing inspection certificate for a high pressure boiler for a period not exceeding 90 days beyond the certificate expiration date. The owner or user shall submit a written request to extend an existing inspection certificate, providing justification for an extension. The request shall include a report from a commissioned inspector of an external inspection which shall have been conducted no earlier than 60 days before the certificate expiration date, and the inspection report shall include a recommendation from the inspector for an extension to the inspection certificate.

(n) The inspection frequency established by this Rule may be modified by the Chief Inspector for individual boilers and pressure vessels if the Chief Inspector determines the frequency established herein is not appropriate, and that the safety attained by the normal inspection frequency will be otherwise obtained. Requirements for extended certificates for pressure equipment are detailed in Rule .0214 of this Chapter.

(o) Pressure vessels in "Locked High Radiation" areas may be certified for up to five years and may be inspected in accordance with Paragraph (p) of this Rule.

(p) With prior approval from the Chief Inspector, pressure retaining items which contain highly hazardous chemicals or biological elements that require level B personal protective equipment, or are in highly hazardous areas or pressure retaining items containing radioactive materials causing the pressure equipment to be classified as "Locked High Radiation," may be inspected remotely by live video provided:

- (1) there is a listing of all the items under this criterion at the site. The list shall be kept current by the owner/user and any additions or deletions shall be kept current. Prior to inspection the inspector shall review the last inspection certificate, the ASME data report, any National Board ("NB") repair/alteration

- (2) forms and any records of testing performed during the certificate period;
- (2) each item shall be inspected by means of live video feed that is monitored by the inspector. The inspector shall remain in radio contact with the individual operating the video equipment;
- (3) the inspector shall be in proximity to the item and shall witness the video equipment operator enter the location of the item;
- (4) a scan as complete as possible (within the limitations of the equipment) of all the pressure boundaries shall be witnessed by the inspector;
- (5) the ASME nameplate shall be viewed as well as the ASME/NB nameplate on any pressure relieving device on the item;
- (6) follow up inspections to verify the correction of deficiencies can be performed with a video inspection using the items outlined herein by the inspector;
- (7) the inspector shall submit an inspection report for each pressure retaining item at intervals specified in this Rule and the report shall be annotated indicating that the item was inspected pursuant to this Paragraph; and
- (8) any incident that renders the item inoperative shall be reported to the Bureau by the owner/user or the inspector within 24 hours.

*History Note: Authority G.S. 95-69.11; 95-69.14; 95-69.17; Eff. May 29, 1981; Amended Eff. August 1, 2011; July 1, 2006; January 1, 1995; March 2, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0213 CERTIFICATE AND INSPECTION FEES**

(a) An owner or user, or insurance company, shall pay a fifty dollar (\$50.00) certificate and processing fee to the North Carolina Department of Labor for certificate inspections performed by an Insurance Inspector.

(b) An owner or user shall pay an inspection and certificate fee to the North Carolina Department of Labor for each boiler or pressure vessel inspected by a Deputy Inspector as follows:

Boilers - An inspection of a boiler where the heating surface is:	External	Internal
Less than 500 sq. ft.	\$50.00	\$85.00
500 or more sq. ft. but less than 5000 sq. ft.	\$120.00	\$235.00
5000 or more sq. ft.	\$330.00	\$600.00
Cast iron boilers	\$50.00	\$80.00
Locomotive boilers (Antique Exhibition/Show)	N/A	\$150.00
Exhibition boilers (Antique Exhibition/Show)	N/A	\$50.00
Hobby boilers	N/A	\$50.00
Pressure Vessels - An inspection of a pressure vessel, other than a heat exchanger, where the product of measurement in feet of the diameter or width, multiplied by its length is:	External	Internal
Less than 50	\$50.00	\$60.00
50 or more but less than 70	\$85.00	\$135.00
70 or more	\$135.00	\$190.00
Heat Exchangers - An inspection of a heat exchanger, where the heating surface is:	External	
500 or more sq. ft. but less than 1000 sq. ft.	\$60.00	

Less than 500 sq. ft.	\$50.00
1000 or more sq. ft. but less than 2000 sq. ft.	\$90.00
2000 or more sq. ft. but less than 3000 sq. ft.	\$130.00
3000 or more sq. ft.	\$180.00

(c) In addition to the fees established in Paragraph (b) herein, a fee of ninety dollars (\$90.00) per hour, including travel time, plus each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for each special inspection as defined by 13 NCAC 13 .0101(47) and for all inspections performed outside of normal working hours as defined by 13 NCAC 13 .0101(32).

(d) A fee of three-hundred fifty dollars (\$350.00) per one-half day (four hours) or any part of one-half day or five-hundred sixty-dollars (\$560.00) for one day (four to eight hours) plus, in either case, each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for each shop inspection as defined by 13 NCAC 13 .0101(46).

(e) A fee of four hundred fifty dollars (\$450.00) per one-half day (four hours) or any part of one-half day or six hundred ninety dollars (\$690.00) for one day (four to eight hours), plus, in either case, each expense allowed by G.S. 138-6 and 138-7 and the standards and criteria established thereto by the Office of State Budget and Management's State Budget Director, at the applicable state rate shall be paid to the North Carolina Department of Labor for audits as defined by 13 NCAC 13 .0101(4).

*History Note: Authority G.S. 95-69.11; Eff. May 29, 1981; Amended Eff. January 1, 1995; March 2, 1992; September 1, 1986; Temporary Amendment Eff. March 11, 1997; Temporary Amendment Eff. March 11, 1997 expired on December 27, 1997; Temporary Amendment Eff. December 10, 1997; Amended Eff. March 1, 2015; July 1, 2006; March 1, 2006; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0214 EXTENDED PRESSURE EQUIPMENT OPERATING CERTIFICATES**

(a) G.S. 95-69.11, G.S. 95-69.16, and 13 NCAC 13 .0211(m) of this Chapter allows the Commissioner, or the Chief Inspector as delegated by the Commissioner, to modify the inspection frequency for individual pressure equipment if it is determined that the new frequency will provide for the safety attained by the normal inspection frequency as defined in this Chapter. Maintenance programs, the condition of the pressure equipment, and a baseline inspection help to determine if the equipment is eligible for extended certification. The Chief Inspector may allow certificate renewal frequencies of up to three years. Companies

wishing to have their pressure equipment given an extended certification must apply by letter to the Chief Inspector requesting extended certification.

(b) For a first time extended inspection frequency, the following shall apply to both new and existing equipment:

- (1) **Base Line Inspections:** At the outset of an extended inspection frequency, a base line inspection must be conducted of all inside and outside accessible pressure boundaries. The inspected area shall be examined visually by a North Carolina Department of Labor, Boiler Safety Bureau Inspector Supervisor along with a Deputy Inspector for evidence of cracking, discoloration, wear, pitting, bulging, blistering, corrosion and erosion, arc strikes, gouges, dents, and other signs of surface irregularities. Areas that are suspect shall be non-destructively examined, as defined in this Chapter, by a method acceptable to the Inspector Supervisor and Deputy Inspector. For areas that are still suspect after such examination, a more thorough supplemental examination and engineering evaluation of the discontinuities shall be conducted and discussed with the Chief Inspector or designee;
- (2) **Inspection Mapping and Records:** An inspection grid map shall be constructed for each pressure component detailing the areas found suspect. The grid shall not exceed four inch square. Suspect area shall be described in detail and photographs of such areas shall be taken. These records shall be kept and made available to the Deputy Inspector prior to the next required inspection;
- (3) **Base Line Inspection of Tubes:** The tubes shall be examined by nondestructive examination. Tubes shall be examined for wear, corrosion, erosion, thinning, bulging, blistering, dents, discoloration, cracking and any other surface irregularities. Areas that are suspect shall be noted and discussed with the Inspector Supervisor and Deputy Inspector; and
- (4) **Tube Inspection Mapping and Record:** Where suspect tubes are identified, the tubes shall be numbered in a logical sequence and the location of any suspect area shall be precisely defined and described in detail. Photographs of such areas shall be taken. These records shall be kept and made available to the Inspector Supervisor and Deputy Inspector prior to the next required inspection.

(c) **Scheduling of Inspections for Extended Certificate:** Approximately two months prior to a scheduled outage in which the pressure equipment can be inspected, and prior to the current

certificate expiration, the owner or user shall do the following in order to initiate the inspection process:

- (1) Send a letter addressed to the Chief Inspector requesting the extended certificate;
- (2) Contact the North Carolina Department of Labor, Boiler Safety Bureau at 919-707-7918 and request to speak with an Inspector Supervisor for the purpose of scheduling the inspections required for extending the inspection certificate expiration for up to 36 months; and
- (3) Agree with the Inspector Supervisor and Deputy Inspector on a date to meet for the external inspection of the pressure equipment and to review reports. The pressure equipment must be operating when the external inspection is done. Heat recovery boilers with less than one percent capacity factor per year may be excluded from the need to operate during the external inspection but a letter requesting the exclusion must be sent to the Chief Inspector stating the capacity factor for the year before such an exclusion request can be granted.

(d) External Inspection: All report forms may be obtained from either NBIC or ASME. The following reports must be available to the Inspector Supervisor and Deputy Inspector at the external inspection:

- (1) NBIC Form R Reports for the past five years for initial inspections and since the previous inspection for renewals;
- (2) A list of alterations scheduled, and those alterations done since the last internal inspection with the NBIC R-2 forms;
- (3) Safety valve testing and repair reports for the past five years for initial inspections and since the previous inspection for renewals;
- (4) Fitness for Service reports for headers for the past five years for initial inspections and since the previous inspection for renewals. All Fitness for Service reports shall be documented on the National Board Form NB-403 or other created form that includes all information required on the Form NB-403;
- (5) Side elevation drawing of the pressure equipment (8 ½ inches by 11 inches);
- (6) Steam & Mud drums - Original drum thickness, drawings, and manufacturer's data reports if available;
- (7) Copy of the last operating certificate and copies of the last three years of inspection reports;
- (8) Reports of annual external inspections by the owner's or user's insurance company or a Boiler Safety Bureau Deputy Inspector.

(e) Equipment inspection requirements during outage or shut-down:

- (1) An operational test for all safety valves shall be conducted after the equipment has been restarted. After the operational test, the organization performing the test shall affix an

updated inspection tag to the valve. The Deputy Inspector shall verify the updated inspection tag and review any associated test report. In lieu of operational tests, it is acceptable to replace safety valves with new valves or valves reworked by a National Board "VR" or "NVR" authorized company;

- (2) Inspect the pressure equipment internally; and
- (3) Inspect the drums and shells using the following methods:
  - (A) Examine penetrations into the drum or shell wall for cracking: if the nozzles are visible from inside the drum or shell, then a visual examination is satisfactory; otherwise ultrasonically examine the nozzles, from the outside surface, of at least 20 percent of the pressure equipment nozzles;
  - (B) Visually examine inside the heads; and
  - (C) When access permits, crawl through the drum or shell for a visual examination.

(f) Setting the Certificate Interval: If the requirements of this Rule are met, the Deputy Inspector shall submit an inspection report to the Chief Inspector with the recommendation for the extended certificate.

(g) Follow-up and Interim Inspections: External inspections of high pressure boilers are required six months after the certificate renewal, and then annually thereafter. The external inspections may be performed by the Boiler Safety Bureau Deputy Inspectors or by the owner's or user's insurance inspector. The results of the inspection shall be documented on an inspection report and submitted to the Chief Inspector, North Carolina Department of Labor, Boiler Safety Bureau.

*History Note: Authority G.S. 95-69.11; 95-69.14; 95-69.16; Eff. July 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022; January 1, 2020.*

**13 NCAC 13 .0301 INSPECTION DOCUMENTATION**

- (a) The inspector shall document the condition of the pressure equipment, items inspected, and the results of the inspection on a written inspection report or in an electronic format recognized by the Chief Inspector.
- (b) If the inspector finds that the boiler or pressure vessel is in compliance with the rules in this Chapter, they shall indicate on the report that the boiler or pressure vessel is satisfactory.
- (c) If the inspector finds the boiler or pressure vessel is not in compliance with the rules in this Chapter, they shall specify on the inspection report the deficiencies and the required repairs or corrective action.
- (d) The inspector shall determine if the deficiency is such that operation of the boiler or pressure vessel creates a condition of imminent danger. If a condition of imminent danger exists, the inspector shall state on the inspection report that operation of the

boiler or pressure vessel is to cease until completion of the necessary repairs or corrective action. The inspector shall notify the Chief Inspector upon discovery of any condition of imminent danger.

(e) If the condition of the boiler or pressure vessel is such that repairs or corrective action cannot bring the boiler or pressure vessel into compliance, the inspector shall recommend to the Chief Inspector that the boiler or pressure vessel be condemned from further use.

(f) For inspections revealing deficiencies, the inspector shall provide the owner/user contact with specific information regarding the violation. The Bureau shall generate a Notice of Violation letter and send to the owner/user. The Notice of Violation shall outline the violation(s), the required corrective action, and the date by which the corrective action shall be completed.

(g) The Bureau shall issue an invoice to the owner or user, or their insurance company, for the inspections made and for issuance of the inspection certificate. The owner or user or insurance company, shall remit payment as indicated on the invoice within 30 days to the North Carolina Department of Labor.

*History Note: Authority G.S. 95-69.11; 95-69.16; Eff. May 29, 1981; Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; August 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0302 CERTIFICATE ISSUANCE**

(a) The Chief Inspector shall issue an inspection certificate to the owner/user, upon receipt of payment, when the boiler or pressure vessel is found to be in compliance with this Chapter.

(b) The owner or user shall post the inspection certificate under protective cover in a prominent place visible to the operator while reading the pressure, or if a pressure gauge is not required to be installed, while observing operation of the boiler or pressure vessel, unless environmental conditions or proprietary reasons make it impracticable. The certificate shall be maintained in a readily retrievable location if the conditions make it impracticable to post.

(c) If the Chief Inspector determines that a boiler or pressure vessel is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, the Chief Inspector may refuse to issue or renew or may revoke, suspend or amend an inspection certificate; provided, however, that whenever any action is taken under this Paragraph, the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Chapter 150B of the N.C. General Statutes.

*History Note: Authority G.S. 95-69.11; 95-69.17; Eff. May 29, 1981; Amended Eff. January 1, 2009; July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0303 INSPECTIONS REVEALING DEFICIENCIES**

(a) After a violation or deficiency has been reported by a Commissioned Inspector, the owner or user shall complete any required repairs or corrective action and request a reinspection or follow-up inspection as defined in this Chapter within 60 calendar days of the inspection, except in cases where the boiler or pressure vessel is removed from service, in which case the owner or user shall send in written confirmation, signed by the owner or user, that use of the boiler or pressure vessel has been discontinued and that the boiler or pressure vessel has been removed from the source of energy.

(b) Upon notification by the inspector of a boiler or pressure vessel for which continued operation creates a condition of imminent danger as defined in this Chapter, the Chief Inspector shall notify the owner or user by written notification within 15 calendar days stating that the use of the boiler or pressure vessel shall be discontinued.

(c) The owner or user may continue operation of the boiler or pressure vessel, including those boilers or pressure vessels that are condemned, during the 60 calendar day period noted in Paragraph (a) of this Rule, except that this provision shall not apply to boilers and pressure vessels after notification by the Chief Inspector to the owner or user that a condition of imminent danger exists as noted in Paragraph (b) of this Rule.

(d) After completion of any required repairs or corrective action, the boiler or pressure vessel shall be reinspected to the extent necessary to verify satisfactory completion of the required repairs or corrective action.

(e) An owner or user shall pay a fee of fifty dollars (\$50.00) to the North Carolina Department of Labor for each reinspection or follow-up inspection conducted by Deputy Inspectors.

*History Note: Authority G.S. 95-69.11; Eff. May 29, 1981; Amended Eff. March 1, 2015; July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0304 APPEALS**

(a) If the owner or user believes that the recommendations of the inspector are not warranted, they may request a review by the Chief Inspector within 15 days of the inspection. The Chief Inspector shall notify the owner or user of the decision in writing within 15 days of receipt of a request for a decision.

(b) If the owner or user believes that the decision of the Chief Inspector is not warranted they may file for a contested case hearing pursuant to Article 3 of Chapter 150B of the N.C. General Statutes.

(c) After notification from the Chief Inspector that a condition of imminent danger exists, the owner or user shall not operate the boiler or pressure vessel, however, the owner or user may file for a contested case hearing pursuant to Article 3 of Chapter 150B of the N.C. General Statutes.

*History Note: Authority G.S. 95-69.11; 95-69.17; Eff. May 29, 1981; Amended Eff. July 1, 2006; January 1, 1995;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0305 MENACE TO PUBLIC SAFETY NOTICE**

- (a) The Chief Inspector or designee may post a menace to public safety notice on the boiler or pressure vessel:
- (1) if the owner or user fails to request a reinspection within 60 days of an inspection during which deficiencies were noted;
  - (2) upon notification by the Chief Inspector regarding an inspection whereby the inspector identified a condition of imminent danger; or
  - (3) within 15 days after the Chief Inspector renders a decision regarding an appealed decision.
- (b) The notice described in this Rule shall be posted on the boiler or pressure vessel and in the establishment where the boiler or pressure vessel is being used so that it may be easily read by members of the public and employees.
- (c) The menace to public safety notice shall not be removed, rendered illegible or inaccessible, or otherwise obliterated except with the approval of the Chief Inspector.
- (d) The Chief Inspector shall notify the Commissioner of Labor regarding action pursuant to G.S. 95-69.19.

*History Note: Authority G.S. 95-69.11; 95-69.17; Eff. January 1, 1995; Amended Eff. July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0401 DESIGN AND CONSTRUCTION STANDARDS**

- (a) The design, construction, installation, inspection, stamping, certification, and operation of all boilers and pressure vessels shall conform to the rules in this Chapter and the Accepted Design and Construction Code as defined in this Chapter.
- (b) Repairs and alterations to boilers and pressure vessels shall conform to the requirements of the National Board Inspection Code, except as provided in Paragraph (g) of this Rule.
- (c) The rules of this Chapter shall control when any conflict is found to exist between the Rules and the accepted design and construction code or the National Board Inspection Code.
- (d) Welded repairs and alterations shall be made only by an individual or organization in possession of a valid certificate of authorization for use of the National Board "R" symbol stamp, except as provided in Paragraph (g) of this Rule. Repairs and alterations shall be reported on National Board Form R Reports, as required by the NBIC. These reports are available through the National Board of Boiler and Pressure Vessel Inspectors. The reports, along with supplements used, shall be submitted to the Chief Inspector within 60 days of the completion of the work conducted. Repair and alteration reports shall be annotated with the NC identification number for the pressure equipment repaired.
- (e) In such cases where removal of a defect in a pressure-retaining item is not practical at the time of discovery, the repair shall be conducted in compliance with the NBIC, Part 3 Repairs and

Alterations, Repair of Pressure-Retaining Items Without Complete Removal of Defects. The Chief Inspector shall be contacted for approval of the use of this repair method.

- (f) Repairs of safety valves or safety relief valves shall be made by an individual or organization in possession of a valid certificate of authorization for use of the National Board "VR" symbol stamp.
- (g) Welded repairs and alterations to exhibition (historical) boilers of riveted or welded construction may be conducted by a welder who has been qualified in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications.

*History Note: Authority G.S. 95-69.11; Eff. May 29, 1981; Amended Eff. October 1, 2014; July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; February 1, 1989; February 1, 1985; June 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022; January 1, 2020.*

**13 NCAC 13 .0405 PRESSURE RELIEF DEVICES**

- (a) Boilers and pressure vessels shall be protected from overpressurization by a pressure relief device. All pressure relief devices installed on any boiler or pressure vessel shall be constructed and stamped in accordance with the Accepted Design and Construction Code as defined in Rule .0101 of this Chapter.
- (b) All pressure relief devices shall be stamped and capacity certified by the manufacturer indicating compliance with the National Board. The stamping shall include the set pressure and the relieving capacity.
- (c) High pressure boilers with over 500 square feet of heating surface and electrically fired boilers having an input in excess of 1100 kW shall be provided with a minimum of two safety valves. For high pressure boilers with a combined bare tube and extended water-heating surface area exceeding 500 square feet, one safety valve is required if the design steam generating capacity of the boiler is less than 4,000 pounds of steam per hour.
- (d) Safety valves and safety relief valves for heating boilers shall have a seat diameter of not less than ½ inch, and not more than 4 ½ inches.
- (e) Pressure relief devices shall have a set pressure and relieving capacity in accordance with the requirements of the Accepted Design and Construction Code for the type of equipment on which the pressure relief device is installed. At least one pressure relief device shall have the set pressure set at not greater than the maximum allowable working pressure of the boiler or pressure vessel. The relieving capacity shall not be less than the minimum required relieving capacity indicated on the manufacturer's name plate or stamping, or as otherwise required by the Accepted Design and Construction Code. Safety relief valves installed on tank-type potable water heaters or hot water storage vessels shall be of the combination temperature and pressure relieving type. Instantaneous and coil-type water heaters and hot water supply boilers shall be equipped with a safety relief valve of the combination temperature and pressure relieving type, or as otherwise permitted by the Accepted Design and Construction Code.

(f) All safety valves installed on high pressure boilers shall be installed on top of the boiler, or in the case of watertube boilers on top of the upper drum, with the spindle in the vertical position. All safety valves and safety relief valves installed on heating boilers shall be on top of the boiler or on an opening at the highest practicable part, as determined by industry standards, of the side of the boiler, but in no case shall the safety valve be installed below the normal operating level for a steam boiler. Safety valves and safety relief valves installed on hot water heating boilers, hot water supply boilers, and steam heating boilers shall be installed with the spindles mounted in the vertical position. Safety relief valves for water heaters may be installed with the spindles mounted in either the vertical or horizontal position. In no case may pressure relief devices be mounted on appurtenances, unless permitted by the Accepted Design and Construction Code.

(g) The distance between the pressure relief device outlet nozzle on the boiler and the pressure relief device inlet shall be kept to a minimum consistent with the size of the pressure relief device and the pipe sizes required. In no case shall any valves or stops be installed in the inlet piping to the pressure relief device or in the discharge piping from the pressure relief device. The boiler outlet and the piping between the boiler outlet and the pressure relief device shall have a cross sectional area of not less than the cross sectional area of the pressure relief device inlet.

(h) Discharge piping from the pressure relief device outlet shall be the same size, or larger, than the outlet pipe connection on the pressure relief device and shall be extended full size to a safe location. A safe location shall be interpreted to mean a location within six inches of the finished floor of the mechanical room, to a location outside the building terminating a safe distance above the building roof or to a location outside the building within six inches above the finished grade. For vessels such as organic fluid heaters where the medium presents a hazard, the discharge shall be to a containment vessel large enough to hold all anticipated pressure relief discharges. Discharge piping shall be designed to facilitate drainage or be fitted with drains to prevent liquid from lodging or collecting in the discharge side of the pressure relief device, and such piping shall lead to a safe location of discharge.

(i) Multiple pressure relief devices may be piped to the point of discharge using a common discharge header pipe. The header pipe size shall have a diameter sufficient to provide an equivalent cross-sectional area equal to or larger than the sum of the cross-sectional areas of the pressure relief device outlets to which it is connected.

(j) Pressure relief devices on pressure vessels may be installed with the spindle in the vertical or horizontal position. The pressure relief device inlet, discharge piping, and the requirement for piping the discharge to a safe location shall be the same as noted for boilers. The requirement for discharge piping is optional for pressure vessels used to store compressed air, inert gases, water, or other fluids no more hazardous than water.

(k) Pressure relief devices for pressure vessels shall be installed directly on the pressure vessel unless the source of pressure is external to the vessel, and is under such direct control by the owner or user that the pressure cannot exceed the maximum overpressure permitted by the Accepted Design and Construction Code, and the pressure relief device cannot be isolated from the vessel, except as permitted by Paragraph (l) of this Rule.

(l) A full area stop valve that does not reduce the discharge capacity of the pressure relief device, may be installed between a pressure vessel and the pressure relief device if one of the following is satisfied:

- (1) the stop valve is normally locked or sealed in the open position, and may only be closed when there is an attendant stationed at all times at the stop valve when it is in the closed position for inspection, testing, or repair purposes; or
- (2) isolating the pressure relief device from the pressure vessel by closing the stop valve also isolates the pressure vessel from the source of pressure.

(m) Pressure relief devices shall be sealed to prevent the valve from being taken apart without breaking the seal. Pressure relief devices for boilers and pressure vessels containing air, water, or steam shall be provided with a test lever, pull test ring or other mechanism that may be used to test the operation of the valve. Pressure relief devices which are required to be provided with a testing mechanism shall be readily accessible for testing from the work platform or other means, such as a pull chain, shall be provided so that the pressure relief device can be tested from the work platform.

(n) When a hot water supply boiler or storage vessel is heated indirectly by steam or hot water in a coil or pipe, the pressure relief device capacity shall be determined by the heating surface available for heat transfer, and the pressure relief device shall not be less than 1 inch diameter.

(o) A person shall not:

- (1) attempt to remove, tamper, alter or conduct any work on any pressure relief device while the boiler or pressure vessel is in operation, except as permitted by the Accepted Design and Construction Code or the National Board Inspection Code;
- (2) load a pressure relief device in any manner to maintain a working pressure in excess of the maximum allowable working pressure as stated on the inspection certificate;
- (3) operate any boiler or pressure vessel without the safety appliances as described in this Chapter, the Accepted Design and Construction Code, and the National Board Inspection Code;
- (4) use a pressure relief device required by this Chapter as an operating pressure control; or
- (5) remove the seal and attempt to adjust or otherwise work on a pressure relief device unless the person or company removing the seal is an authorized holder of a National Board "VR" stamp.

(p) If an owner or user can demonstrate that a pressure vessel is operating in a system of such design that the maximum allowable working pressure cannot be exceeded, the Chief Inspector shall waive the requirement for installation of a pressure relief device if the pressure vessel meets the safety requirements greater than or equal to the level of protection afforded by this Chapter and the Accepted Design and Construction Code, and does not pose a danger to persons or property. This waiver shall only be granted

when the source of pressure is under direct control of the owner or user of the pressure vessel.

(q) Pressure relief device piping shall be supported so that the piping is supported with no additional force being applied to the pressure relief device.

(r) Hydropneumatic storage tanks shall be provided with a relief valve of not less than ¾ inch NPS and rated in standard cubic feet per minute (SCFM). The relief valve shall be installed on top of the tank. This rule applies to any equipment or relief valves installed after January 1, 2009.

(s) Dead weight safety valves are prohibited from use on any boiler or pressure vessel regulated by this Chapter.

(t) When the minimum safety valve relieving capacity is not found on the data plate, the table in this Paragraph may be used to determine the required safety valve capacity for steam boilers. The factor noted in the table shall be multiplied by the heating surface of the boiler to determine required safety valve relieving capacity. When the table in this Paragraph is used for calculations, the additional requirements found in NBIC Part 4, Section 2 for calculating heating surface shall be utilized.

Table-0405 Guide for Estimating Steaming Capacity Based on Heating Surface		
	Firetube Boilers	Watertube Boilers
<b>Boiler heating surface:</b>		
Hand-fired	5	6
Stoker-fired	7	8
Oil, gas, or pulverized fuel	8	10
<b>Waterwall heating surface:</b>		
Hand-fired	8	8
Stoker-fired	10	12
Oil, gas, or pulverized fuel	14	16
<b>Copper-finned watertube</b>		
Hand-fired	N/A	4
Stoker-fired	N/A	5
Oil, gas, or pulverized fuel-fired	N/A	6

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Amended Eff. June 1, 1992; February 1, 1985; Recodified from 13 NCAC 13 .0404 Eff. January 1, 1995; Amended Eff. January 1, 2009; July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0409 AUTOMATIC LOW-WATER FUEL CUTOFF CONTROLS AND WATER-FEEDING DEVICES**

(a) Each automatically fired steam or vapor boiler, except miniature boilers, shall meet the following criteria:

(1) Have at least two automatic low-water fuel cutoff devices;

- (2) One of the low-water fuel cutoff devices may also be used to regulate the normal water level;
  - (3) Each cutoff device shall be installed to prevent startup and to shut down the boiler fuel or energy supply automatically when the surface of the water falls to a level not lower than the lowest visible part of the gauge glass;
  - (4) One control shall be set to function ahead of the other. The lower fuel cutoff device shall be equipped with a manual reset which shall prevent the boiler from being fired after the low water limit has been reached until the operator resets the switch manually; and
  - (5) The low-water fuel cutoffs shall be attached to the boiler or to the water column with no stops or valves. For float type low-water fuel cutoffs installed external to the boiler, each device shall be installed in individual chambers which shall be attached to the boiler by separate pipe connections below the waterline. If the low-water fuel cutoff is connected to the boiler by pipe and fittings, no shut off valves of any type shall be placed in such pipe. A cross or equivalent fitting shall be placed at every right angle turn to facilitate cleaning. Piping from the boiler shall be not less than 1 inch NPS. Low-water fuel cutoff designs embodying a float and float bowl shall have a vertical straightaway valved drain pipe of not less than ¾ inch NPS at the lowest point in the water-equalizing pipe connections by which the bowl and the equalizing pipe can be flushed and the device tested.
- (b) Each automatically fired hot water heating boiler with heat input greater than 400,000 Btu/hr (117 kW) shall meet the following criteria:
- (1) Be protected by a low-water fuel cutoff intended for hot water service;
  - (2) The fuel cutoff device shall be installed to prevent startup and to shut down the boiler fuel or energy supply automatically when the surface of the water falls to a level not lower than the lowest safe permissible water level established by the boiler manufacturer;
  - (3) The fuel cutoff device shall be equipped with a manual reset that shall prevent the boiler from being fired after the lowest water level has been reached until the operator resets the switch manually;
  - (4) The low-water fuel cutoff installed in a hot water heating boiler system may be installed anywhere in the system above the lowest safe permissible water level established by the boiler manufacturer; and
  - (5) Testing the operation of the low-water fuel cutoff on a hot water heating boiler system shall be provided without resorting to draining the entire system. Such testing shall not render the device inoperable, except as follows:

- (A) The device is temporarily inoperative during the testing;
- (B) The device automatically returns to operating condition;
- (C) The connection may be so arranged that the device cannot be isolated from the boiler except by a cock placed at the device and provided with a tee or lever handle arranged to be parallel to the piping in which it is located when the cock is open.

(c) As permitted by the Accepted Design and Construction Code, coil type boilers or watertube boilers requiring forced circulation to prevent overheating of the coils or tubes may have a flow and/or temperature sensing device installed at or near the boiler proper, in lieu of a low-water fuel cutoff, to automatically cut off the fuel supply when the circulation of flow is interrupted. The flow and/or temperature sensing device shall be independent of all other controls and may be automatically reset when adequate flow is restored. If there is a definitive water line, a low-water fuel cutoff complying with Paragraph (a) or (b) of this Rule, as applicable, shall be provided in addition to the flow-sensing device.

(d) Electric boilers where uncovering of the electrical element can lead to a risk of damage to the boiler shall be equipped with a low-water fuel cutoff device. In the case of electrode type boilers, where the reduction in water level provides a self-limiting control on heat input, a low-water cutoff control is not required.

(e) Automatically fired boilers shall be provided with a system to automatically maintain a constant water level so that the water level cannot fall below the lowest safe water line. This constant water level system requirement shall not apply to hot water heating boilers used in closed-loop radiant floor heating systems when installed in accordance with the manufacturer's instructions.

(f) Low water fuel cutoff devices embodying a float and float bowl shall be installed so that the boiler feedwater or makeup water cannot be introduced through the float chamber.

*History Note: Authority G.S. 95-69.14; Eff. January 1, 1982; Recodified from 13 NCAC 13 .0416 Eff. January 1, 1995; Amended Eff. July 1, 2011; January 1, 2009; July 1, 2006; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0411 VALVES, DRAINS, AND BOTTOM BLOWOFFS**

(a) High pressure boilers operating in excess of 100 psig must be provided with two stop valves for boiler blowoff and drain outlets. Any boiler having a common steam connection with another boiler, and having a manhole opening, shall be provided with two steam outlet stop valves with an ample free-blow drain or vent between the two stop valves. The discharge of this drain shall be visible to the operator while operating the valve.

(b) All boilers, except for coil-type water tube boilers, shall be provided with a drain outlet and stop valve of not less than 3/4 inch NPS at the lowest water containing space, except that if the

boiler is provided with a blowoff outlet at the lowest water containing space, an additional drain outlet is not required.

(c) High pressure boilers shall be provided with a bottom blowoff outlet and valve of not less than 1 inch NPS nor more than 2 1/2 inches NPS, except as modified below:

- (1) Miniature high pressure boilers shall have a blowoff outlet of not less than 1/2 inch NPS;
- (2) Electric high pressure boilers not greater than 200kW shall have a blowoff outlet of not less than 3/4 inch NPS;
- (3) High pressure boilers having a heating surface of 20 square feet or less shall have a blowoff of not less than a 1/2 inch;
- (4) High pressure boilers having a heating surface greater than 20 square feet and not greater than 100 square feet shall have a blowoff outlet of not less than 3/4 inch NPS; and
- (5) All other high pressure boilers shall have a blowoff outlet of not less than 1 inch NPS.

(d) Steam heating boilers shall be provided with a bottom blowoff outlet and valve of not less than 1 inch NPS nor more than 2 1/2 inches NPS, except as modified below:

- (1) Steam heating boilers having a minimum safety valve relieving capacity not exceeding 500 pounds of steam per hour shall have a blowoff outlet of not less than 3/4 inch NPS;
- (2) Steam heating boilers having a minimum safety valve relieving capacity greater than 1250 pounds of steam per hour but not greater than 2500 pounds of steam per hour shall have a blowoff outlet of not less than 1 1/4 inches NPS;
- (3) Steam heating boilers having a minimum safety valve relieving capacity greater than 2500 pounds of steam per hour but not greater than 6000 pounds of steam per hour shall have a blowoff outlet of not less than 1 1/2 inches NPS;
- (4) Steam heating boilers having a minimum safety valve relieving capacity greater than 6000 pounds of steam per hour shall have a blowoff outlet of not less than 2 inches NPS; and
- (5) All other steam heating boilers shall have a blowoff outlet of not less than 1 inch NPS.

(e) All blowoff from boilers shall discharge into a blowdown tank suitable for separating steam and water or shall be piped to prevent injury. Discharge directly to a sewer is prohibited.

(f) Valves for high pressure boilers shall be designed and constructed in accordance with the requirements of ASME Section I, and shall be stamped or embossed with the pressure/temperature rating of the valve.

(g) Valves for heating boilers shall be suitable for the operating pressure and temperature of the boiler.

(h) Pressure reducing valves shall be installed in the makeup water line where inlet supply water pressure is more than 75 percent of the maximum allowable working pressure of the boiler or pressure vessel.

(i) A shutoff valve shall be provided in the makeup water line next to each boiler and shall meet the following specifications:

- (1) Each steam heating boiler and hot water heating boiler shall be provided with a shutoff valve and a check valve. The shutoff valve shall be installed either upstream or downstream of the check valve;
- (2) Each high pressure boiler, except for high temperature water boilers, shall be provided with a shutoff valve and a check valve. The shutoff valve shall be installed between the check valve and the boiler; and
- (3) When two or more high pressure boilers are fed from a common source, there shall also be a globe or regulating valve in the branch to each boiler located between the check valve and the source of the supply.

(j) Pressure vessels subject to corrosion shall be equipped with a drain valve installed at the lowest point of the pressure vessel or by installation of an internal drain pipe installed not more than 1/4 inch above the lowest internal surface.

(k) Automatic drain and blowoff valves for boilers may be installed when permitted by the Accepted Design and Construction Code, and shall be in accordance with the boiler manufacturer's recommendations and instructions.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. January 1, 1995; Amended Eff. July 1, 2011; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0413 CLEARANCES**

(a) All boilers and pressure vessels shall be located so that adequate space is provided for proper operation, including visibility of all gauges, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for maintenance and repair, including replacement of tubes. Boiler clearances shall remain free of all items, including temporarily stored items, other than boiler piping and trim. Boiler piping and trim shall not impede access to the boiler.

(b) Adequate clearance for pressure vessels shall not be less than the following, or as recommended by the manufacturer for the top and sides, a minimum unobstructed clearance of 18 inches shall be provided. Clearance for the bottom shall conform to Paragraph (a) of this Rule.

(c) Adequate clearance for boilers shall not be less than the following, or as recommended by the manufacturer:

- (1) Boilers, except water heaters shall have a minimum unobstructed clearance of 36 inches from the top and sides of the boiler. Clearance for the bottom shall conform to Paragraph (a) of this Rule.
- (2) Water heaters shall have a minimum unobstructed clearance of 18 inches from the top and sides of the boiler. Clearance for the bottom shall conform to Paragraph (a) of this Rule.
- (3) Modular boilers and water heaters that require individual units to be set side by side, front to

back, or by stacking, shall have minimum unobstructed clearances as recommended by the manufacturer.

(d) To facilitate entrance of a person during an inspection, boilers or pressure vessels with a manway shall have an unobstructed clearance of not less than 84 inches from the manway, unless otherwise recommended by manufacturer's installation instructions.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981; Recodified from 13 NCAC 13 .0409 Eff. January 1, 1995; Amended Eff. February 1, 2009; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024.*

**13 NCAC 13 .0420 FIRING MECHANISM CONTROLS**

(a) Automatically fired boilers and pressure vessels shall be provided with firing mechanism controls.

(b) Oil, gas-fired, and electrically heated boilers shall be equipped with primary flame safeguard safety controls, safety limit switches, and burners or electric elements that conform to the North Carolina Building Code in effect at the time of installation.

(c) Automatically fired boilers installed after January 1, 2007, shall be provided with a remote emergency shutdown switch marked for identification. The remote shutdown switch shall be located outside each door of the room in which the boiler is located. Alternatively, the shutdown switch may be located just inside the entrance door(s) where the equipment is located. If there is more than one door to the boiler room, there shall be a switch located at each door designed for primary emergency egress from the boiler room. Boilers that bear the ASME "HLW" designator are not required to be provided with a remote emergency shutdown switch. For boilers not installed in a boiler or equipment room, such as outdoors, on a roof top, or in an open indoor space, the remote emergency shutdown switch shall be accessible within 50 feet of the boiler and located at a safe distance from the boiler as determined by the inspector. The remote shutdown switch shall not be located on the boiler.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. January 1, 1995; Amended Eff. February 1, 2009; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0421 NORTH CAROLINA SPECIAL**

(a) The North Carolina Department of Labor shall issue an inspection certificate for a boiler or pressure vessel constructed under standards equivalent to those established in the ASME Code if an application for permission to construct and install a North Carolina Special is submitted to and approved by the Chief Inspector prior to commencing construction. The Chief Inspector shall approve a request for an inspection certificate if the application is complete and if the information contained in the application demonstrates that the boiler or pressure vessel is as

safe as a similar boiler or pressure vessel constructed to the requirements of the ASME Code. The application, which may be in the form of a letter, shall contain relevant data proving that its construction is equivalent to ASME standards. The Chief Inspector or his designee may elect to visit, at the expense of the owner or user, or manufacturer, the facility where the boiler or pressure vessel is under construction in order to audit the manufacturer's construction techniques, personnel qualifications, and quality control program.

(b) The North Carolina Department of Labor shall issue an inspection certificate for a boiler or pressure vessel which has operated in another state even if the ASME construction and stamping requirements otherwise contained in the North Carolina Rules are not satisfied if the following requirements are satisfied:

- (1) the state in which the boiler or pressure vessel was operated enforces ASME Code requirements for similar boilers and pressure vessels;
- (2) the boiler or pressure vessel was inspected during construction by an inspector commissioned by the state in which the item was installed or manufactured; and
- (3) the report from the last certificate inspection conducted in the state in which the boiler or pressure vessel was previously installed is made available to the Chief Inspector, and the inspection resulted in the applicable authorization for operation.

(c) The applicant shall submit a design specification, certified by a professional engineer, to the Chief Inspector to verify that the boiler or pressure vessel meets the ASME Code as far as is practicable. The following documentation shall be included as a minimum:

- (1) design calculations and drawings;
- (2) material test reports or their equivalent, and for material not allowed by ASME, an evaluation of the materials in comparison to the most similar material approved for ASME construction;
- (3) a record of welding qualifications as required by Section IX of the ASME Welding and Brazing Qualifications Code; and
- (4) satisfactory results of any additional examination or test deemed necessary by the Chief Inspector.

(d) Design calculations for pressure vessels to be operated in excess of 3,000 psig shall include a fatigue analysis as described in ASME Section VIII, Division 2 or 3, to determine the operating lifetime of the pressure vessel, and a proposal for operation that details the owner or user's monitoring program to verify compliance with the fatigue analysis.

(e) The maximum allowable working pressure for the boiler or pressure vessel as established in the calculations shall be consistent with what is required by the ASME Code for similar boilers or pressure vessels.

(f) Boilers and pressure vessels operating as North Carolina State Specials shall meet all installation, alteration, inspection, repair, and operation requirements of this Chapter.

(g) The Chief Inspector shall approve operation of boilers and pressure vessels which were constructed to the requirements of a department of the federal government which enforces requirements equivalent to the ASME Code, provided an application as otherwise required by this Chapter is submitted to the Chief Inspector and found acceptable.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. May 29, 1981;*

*Amended Eff. March 2, 1992;*

*Recodified from 13 NCAC 13 .0415 Eff. January 1, 1995;*

*Amended Eff. July 1, 2006; January 1, 1995;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;*

*Amended Eff. November 1, 2024.*

**13 NCAC 13 .0422 EXHIBITION BOILERS**

Exhibition boilers shall meet the following requirements:

- (1) Exhibition boilers that are not built to the ASME Code shall not be operated above 125 psig without written approval by the Chief Inspector, who shall base such approval on documentation and calculations submitted by the owner or user. The documents and calculations, with an inspection, must provide evidence to support the exhibition boiler operating at higher pressure ratings.
- (2) Safety relief valves shall not exceed the maximum allowed working pressure of the boiler and shall be ASME/NB certified valves.
- (3) Each boiler shall have:
  - (a) an operating pressure gauge which shall be approximately double the pressure to which the safety relief valve is set but in no case shall it be less than 1 1/2 times the set pressure;
  - (b) a safety relief valve which shall be capable of protecting the boiler from over pressurization; and
  - (c) a water gauge glass.
- (4) When fusible plugs are used, they shall conform to NBIC Part 2 as applicable.
- (5) A hydrostatic test shall be required by the inspector if it is necessary to prove the integrity of the pressure boundary. The hydrostatic test shall not exceed 125 percent of the maximum allowed working pressure of the vessel or the set pressure of the safety valve, whichever is greater.
- (6) Upon completion of the inspection and payment of the applicable fees referenced in this Chapter, the Chief Inspector shall issue a Certificate of Inspection valid for one year.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. July 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;*

*Amended Eff. November 1, 2024; April 1, 2022.*

**13 NCAC 13 .0423 MODEL HOBBY BOILERS**

Model hobby boilers shall meet the following requirements:

- (1) Each boiler shall have:
  - (a) an operating pressure gauge that shall not be less than 1 ½ times nor more than four times the operating pressure of the boiler;
  - (b) two safety relief valves each of which shall be capable of protecting the boiler from over pressurization. Requirements for ASME/NB certification are waived. If an ASME/NB safety relief valve is utilized, only one safety relief valve is required;
  - (c) an accessible mud-ring valve;
  - (d) a water gauge glass; and
  - (e) if constructed of copper, a fusible plug in the top of the crown sheet.
- (2) The construction requirements established by the Department of Labor shall not apply to Model Hobby Boilers when the following requirements are met:
  - (a) Documentation to verify the design and construction specifications have been reviewed and accepted by the Chief Inspector; and
  - (b) The boiler and associated components have been constructed using material rated for the intended service.
- (3) Upon completion of the inspection and payment of the applicable fees referenced in this Chapter, the Chief Inspector shall issue a Certificate of Inspection valid for one year.

*History Note: Authority G.S. 95-69.11; 95-69.14; Eff. July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018; Amended Eff. November 1, 2024; April 1, 2022.*

**TITLE 17 - DEPARTMENT OF REVENUE**

**17 NCAC 05C .2004 EXTENSION OF FILING DATE**

- (a) A corporation shall receive an extension of time to file its corporate franchise and income tax return either:
  - (1) In accordance with G.S. 105-263(c), or
  - (2) If the corporation timely files Form CD-419, Application for Extension for Corporate Franchise and Income Tax, on or before the original due date of the return.
- (b) Form CD-419 shall include the following elements:
  - (1) total franchise tax due;
  - (2) franchise tax credits taken;
  - (3) net franchise tax due;
  - (4) total corporate income tax due;
  - (5) estimated income tax payments;
  - (6) corporate income tax credits taken;

- (7) net corporate income tax due;
  - (8) total franchise and corporate income tax due with this application;
  - (9) beginning and ending tax year;
  - (10) Federal Employer ID Number;
  - (11) N.C. Secretary of State ID Number;
  - (12) legal name;
  - (13) address;
  - (14) designation if tax exempt or non U.S./foreign entity, or cooperative or mutual association;
  - (15) franchise tax paid;
  - (16) corporate income tax paid; and
  - (17) total tax paid with application.
- (c) Length of Extension of Time to File:
    - (1) For tax years beginning on or after January 1, 2008, and before January 1, 2025, the extension of time is six months from the original due date of the return.
    - (2) For tax years beginning on or after January 1, 2025, the extension of time is seven months from the original due date of the return.
  - (d) Payment of tax is not required to obtain an extension; however, interest accrues at the rate set under G.S. 105-241.21(a) on the amount not paid by the original due date of the corporate franchise and income tax return and the failure to pay penalty in G.S. 105-236(a)(4) applies to the amount not paid by the original due date of the return.

*History Note: Authority G.S. 105-262; 105-263; Eff. April 1, 1999; Amended Eff. January 1, 2009; July 1, 1999; January 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017; Amended Eff. January 1, 2025.*

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 46 – BOARD OF PHARMACY**

**21 NCAC 46 .1401 REGISTRATION AND PERMITS**

- (a) All Health Care Facilities providing services within the practice of pharmacy shall apply for and receive a pharmacy permit as provided in G.S. 90-85.21.
- (b) Physically separate dispensing areas operated by a Health Care Facility are not required to secure separate permits if those dispensing areas are contained in the same building as the permitted pharmacy or contained in a building located on property contiguous to the permitted pharmacy. However, even as to dispensing areas otherwise within the coverage of this Paragraph, a separate permit is required for a physically separate dispensing area for which the majority of its activity is dispensing drugs to or compounding drugs for a patient's use outside the Health Care Facility.
- (c) Nothing in these rules shall be construed to require the registration with the Board of those Health Care Facilities in which there occurs only the administration of drugs.

*History Note: Authority G.S. 90-85.6; 90-85.21; Eff. April 1, 1983; Amended Eff. May 1, 1997; May 1, 1989; March 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. November 1, 2024.*

**21 NCAC 46 .1415 MEDICATION IN HEALTH CARE FACILITY EMERGENCY DEPARTMENTS**

(a) In those Health Care Facilities with 24-hour outpatient pharmacy service, all drugs dispensed to outpatients, including emergency department patients, must be dispensed by the permitted pharmacy during times that it is open for outpatient pharmacy service.

(b) When the permitted pharmacy in the Health Care Facility is closed for outpatient service, drugs may be dispensed for use outside the emergency department by the physician, registered nurse under physician supervision, or a person authorized to prescribe and dispense drugs pursuant to G.S. 90-18.1 or 90-18.2 subject to the following:

- (1) Drugs shall be dispensed only to a patient of the emergency department;
- (2) The pharmacist-manager shall develop and supervise a system of control and accountability of all drugs administered in, or dispensed from, the emergency department;
- (3) The pharmacist-manager shall develop a formulary of prescription drugs that may be dispensed from the emergency department for patients receiving care in that department. This formulary shall consist of drugs of the nature and type to meet the immediate needs of emergency department patients;
- (4) The emergency department staff may dispense no more than a seven-day supply or the smallest quantity prepackaged by the manufacturer for patient dispensing, whichever is greater;
- (5) Drugs shall be prepackaged in safety closure containers and shall be pre-labeled by a pharmacist to comply with Rule .1414(d)(4) of this Section. Prior to dispensing, the following information shall be placed on the label:
  - (A) the name, address, and telephone number of the health care facility pharmacy;

- (B) the dispensing date;
- (C) the full name of patient;
- (D) the generic or trade name, or in the absence of a brand name, the established name of the product dispensed;
- (E) directions for use to the patient;
- (F) the name of physician prescribing and dispensing the product; and
- (G) required precautionary or further accessory cautionary information as may be desirable for proper use and safety to the patient;

(6) A perpetual record of dispensing of all drugs, including drug samples and starter packages, shall be maintained as part of the pharmacy's records for three years. The pharmacist-manager or designee shall verify the accuracy of these records at least once a month. The record shall contain the following:

- (A) the date dispensed;
- (B) the patient's name;
- (C) the physician's name; and
- (D) the name, strength, dosage form, quantity, and dose of the drug dispensed.

(7) The drug may be dispensed only if there is an order from a prescriber that complies with applicable laws governing such prescriptions.

(c) The physician, registered nurse under physician supervision, or person who is authorized to prescribe and dispense drugs pursuant to G.S. 90-18.1 or 90-18.2 shall comply with all rules governing the dispensing of medications including patient counseling as defined in 21 NCAC 46 .2504.

*History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.21; 90-85.32; 90-85.33; Eff. May 1, 1997; Amended Eff. March 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. November 1, 2024.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission October 30, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Jeanette Doran (Chair)  
Jay R. Hemphill  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Jake Parker (1<sup>st</sup> Vice-Chair)  
Paul Powell (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Randy Overton

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

December 19, 2024	February 27, 2025
January 30, 2025	March 27, 2025

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**RULES REVIEW COMMISSION MEETING**

**MINUTES**

**October 30, 2024**

The Rules Review Commission met on Wednesday, October 30, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Jeff Hyde, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair informed the Commission that with all members present in the Commission Room, the Commission will not hold roll call votes at this meeting.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes from the September 25, 2024 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Sheriffs' Education and Training Standards Commission**

12 NCAC 10B .1302 was unanimously approved.

**LOG OF FILINGS (PERMANENT RULES)**

**Pesticide Board**

02 NCAC 09L .0503, .0504, .0505, .0506, .0507, .0512, .0522, .0531, .1002, .1003, .1102, .1103, .1105, .1107, .1108, .1109, .1303, .1305, and .1402 were unanimously approved.

02 NCAC 09L .0503 was approved contingent upon a technical change to strike the word “situations” and end the sentence with a period after the word “control” on page 1 line 5 of the rule. The technical change was made following the meeting.

Anna Hayworth, the rulemaking coordinator for the agency, addressed the Commission.

John Feagans with the agency, addressed the Commission.

**Child Care Commission**

10A NCAC 09 .0713 was unanimously approved.

**Radiation Protection Commission**

10A NCAC 15 .0801, .0802, .0803, .0804, .0805, .0806, .0807, and .0808 were unanimously approved.

**Commission for Public Health**

10A NCAC 41A .0101 was unanimously approved.

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09B .0104, .0201, .0504, .0505; 09C .0212, .0309, .0310; 09E .0105; 09G .0203, .0205, .0211, .0304, .0417, and .0418 were unanimously approved.

The Commission extended the period of review for 12 NCAC 09A .0204, .0205, .0208; 09B .0202, .0203, .0204, .0205, .0232, .0304, .0305, .0404, .0405, .0406, .0414, .0415, and 09C .0403.

12 NCAC 09D .0102 and 09G .0602 were withdrawn at the request of the agency, no action was required by the Commission.

**Sheriffs' Education and Training Standards Commission**

12 NCAC 10B .0601 was unanimously approved.

**Department of Labor**

13 NCAC 13 .0101, .0103, .0202, .0203, .0207, .0208, .0210, .0211, .0213, .0214, .0301, .0302, .0303, .0304, .0305, .0401, .0405, .0409, .0411, .0413, .0420, .0421, .0422, and .0423 were unanimously approved.

**Department of Revenue**

17 NCAC 05C .2004 was unanimously approved.

**Board of Pharmacy**

21 NCAC 46 .1401 and .1415 were unanimously approved.

**Building Code Council**

2024 NC Administrative Code and Policies - Table 202.5 and Appendix C were unanimously approved.

**LOG OF FILINGS (TEMPORARY RULES)**

**Wildlife Resources Commission**

15A NCAC 10F .0304 was unanimously approved.

**EXISTING RULES REVIEW**

**Credit Union Division**

04 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

**Public Safety - Division of Criminal Information**

14B NCAC 18 - The Commission unanimously approved the report as submitted by the agency.

**Environmental Management Commission**

15A NCAC 02B, 02H, 02T, and 02U - The Commission unanimously approved the reports as submitted by the agency.

**Board of Examiners for Engineers and Surveyors**

21 NCAC 56 - The Commission unanimously approved the report as submitted by the agency.

**Proposed amendment to the 2024-2027 Periodic Review Schedule**

Staff informed the Commission of an administrative change to the schedule made following communication from the Department of Natural and Cultural Resources. 07 NCAC 04, with a report due in May 2025, contains Subchapter 04S, which does not belong to DNCR, but to the Tryon Palace Commission. As neither DNCR nor the Tryon Palace Commission requested an extension, Subchapter 04S was merely split off as a separate line item on the schedule for May 2025.

**COMMISSION BUSINESS**

The meeting was adjourned at 10:35 a.m.

The next regularly scheduled meeting of the Commission is Tuesday, November 26, 2024, at 10:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jeanette Doran, Chair

DRAFT

**RULES REVIEW COMMISSION**

**October 30, 2024**

Rules Review Commission  
Meeting  
Please **Print** Legibly

Name	Agency
Julie Peck	DCDEE / Child Care Commission
Brian Puckett	NC DOR
Joy Strickland	NC DOJ
Melissa Bowman	NC DOJ
Emily Wiley	NC DOT
Jennifer Everett	DEQ
Ashley McGehee	NC DOR
Amber Davis	DCDEE
Anna Hayworth	NCPA
Maryann McDonald	NC DPS
Am Wall	SOS
Laura Hansford	NC DOR
Cathy J. Gunn	DCDEE
Regina Kissing	NC - Rad. Prot.
Joseph Newsome	NC SBE
Virginia Nicholas	NC DHHS
Sharon Black	DHSR
Karen Higgins	DEQ

**Rules Review Commission Meeting October 30, 2024****Via WebEx**

<b>Name</b>	<b>Agency</b>
Jessica Montie	DEQ
Julie Ventaloro	OSBM
Denise Cloninger	DHHS
John Feagans	Agriculture
Sharon Martin	Commerce
Karen Holder	DOI
Caroline Warren	NCCUD
Dana McGhee	OAH
Ashley Snyder	OAH
Don Kinney	Labor
Sirena Jones	DOJ
Megan Davie	DHHS
Genevieve Kaplan	stateside.com
Carl Williams	DHHS
Erica Wilson	DHHS
Zack Moore	DHHS
Misty Piekaar	DHHS
April Day	Revenue
Robert Broome	CPA
David Rittlinger	DOI
Laurn Khaw	duke.edu
Laura Rowe	Treasurer
Anne Coan	NCFB
Nancy Hunter	DHHS
Taylor Breeyear	DHHS
Michelle Schilling	DOJ
Marlika Hairston	DOJ
Marlika Hairston	NCCOB
Elly Young	DOJ
Rana Badwan	DOJ
Wes Tripp	NCBELS
John H Schaeffer	DOJ
Blum, Catherine	DEQ
Nancy Page Larrimore	DOR
Virginia Niehaus	DHHS
Betsy Haywood	WRC
Jill Cramer	Labor
Clint Pinyan	Pharmacy
Hyrum Hemingway	DOJ

**LIST OF APPROVED PERMANENT RULES**

**October 30, 2024 Meeting**

**PESTICIDE BOARD**

<u>Pesticide Applicators</u>	02 NCAC 09L .0503
<u>Definitions</u>	02 NCAC 09L .0504
<u>Classifications</u>	02 NCAC 09L .0505
<u>Governmental Workers</u>	02 NCAC 09L .0506
<u>Categories of Consultants</u>	02 NCAC 09L .0507
<u>Age Requirements</u>	02 NCAC 09L .0512
<u>Recertification Options</u>	02 NCAC 09L .0522
<u>Pesticide License Examination Requirement</u>	02 NCAC 09L .0531
<u>General Requirements</u>	02 NCAC 09L .1002
<u>Drift Control</u>	02 NCAC 09L .1003
<u>Definitions</u>	02 NCAC 09L .1102
<u>Certification Examination</u>	02 NCAC 09L .1103
<u>Applications Under Supervision of Certified Applicator</u>	02 NCAC 09L .1105
<u>Age Limitations</u>	02 NCAC 09L .1107
<u>Term of Certification; Recertification</u>	02 NCAC 09L .1108
<u>Certification of Private Applicators</u>	02 NCAC 09L .1109
<u>Exemptions</u>	02 NCAC 09L .1303
<u>Record Keeping Requirements</u>	02 NCAC 09L .1305
<u>Record Keeping Requirements</u>	02 NCAC 09L .1402

**CHILD CARE COMMISSION**

<u>Staff/Child Ratios for Centers</u>	10A NCAC 09 .0713
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**RADIATION PROTECTION COMMISSION**

<u>Purpose and Scope</u>	10A NCAC 15 .0801
<u>Definitions</u>	10A NCAC 15 .0802
<u>Personnel Requirements</u>	10A NCAC 15 .0803
<u>Operating Requirements</u>	10A NCAC 15 .0804
<u>Area Requirements</u>	10A NCAC 15 .0805
<u>Equipment Requirements</u>	10A NCAC 15 .0806
<u>Security Screening for Government Use Only</u>	10A NCAC 15 .0807
<u>Other Equipment Requirements</u>	10A NCAC 15 .0808

**PUBLIC HEALTH, COMMISSION FOR**

<u>Reportable Diseases and Conditions</u>	10A NCAC 41A .0101
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**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Medical Examination</u>	12 NCAC 09B .0104
<u>Administration of Criminal Justice Schools</u>	12 NCAC 09B .0201
<u>Certification of Qualified Assistant</u>	12 NCAC 09B .0504
<u>Terms and Conditions of Qualified Assistant Certification</u>	12 NCAC 09B .0505
<u>Post Delivery Report of Training Course Presentation</u>	12 NCAC 09C .0212
<u>Lateral Transfer of Local Confinement Personnel</u>	12 NCAC 09C .0309
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC 09C .0310

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**RULES REVIEW COMMISSION**

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<u>Minimum Training Specifications: Annual In-Service Training</u>	12 NCAC 09E .0105
<u>Age</u>	12 NCAC 09G .0203
<u>Medical Examination</u>	12 NCAC 09G .0205
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC 09G .0211
<u>General Certification</u>	12 NCAC 09G .0304
<u>Certification of Qualified Assistant</u>	12 NCAC 09G .0417
<u>Terms and Conditions of Qualified Assistant Certification</u>	12 NCAC 09G .0418

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Detention Officer Certification Course</u>	12 NCAC 10B .0601
<u>Telecommunicator Certification Course</u>	12 NCAC 10B .1302

**LABOR, DEPARTMENT OF**

<u>Definitions</u>	13 NCAC 13 .0101
<u>Incorporated - Standards</u>	13 NCAC 13 .0103
<u>Inspector Qualification</u>	13 NCAC 13 .0202
<u>North Carolina Commission</u>	13 NCAC 13 .0203
<u>Inspection Reports</u>	13 NCAC 13 .0207
<u>Insurance Companies to Notify Chief Inspector</u>	13 NCAC 13 .0208
<u>Shop Inspections and National Board "R" Certifi...</u>	13 NCAC 13 .0210
<u>Certificate Inspections</u>	13 NCAC 13 .0211
<u>Certificate and Inspection Fees</u>	13 NCAC 13 .0213
<u>Extended Pressure Equipment Operating Certificates</u>	13 NCAC 13 .0214
<u>Inspection Documentation</u>	13 NCAC 13 .0301
<u>Certificate Issuance</u>	13 NCAC 13 .0302
<u>Inspections Revealing Deficiencies</u>	13 NCAC 13 .0303
<u>Appeals</u>	13 NCAC 13 .0304
<u>Menace To Public Safety Notice</u>	13 NCAC 13 .0305
<u>Design and Construction Standards</u>	13 NCAC 13 .0401
<u>Pressure Relief Devices</u>	13 NCAC 13 .0405
<u>Automatic Low-Water Fuel Cutoff Controls and Water-Feedin...</u>	13 NCAC 13 .0409
<u>Valves, Drains and Bottom Blowoffs</u>	13 NCAC 13 .0411
<u>Clearances</u>	13 NCAC 13 .0413
<u>Firing Mechanism Controls</u>	13 NCAC 13 .0420
<u>North Carolina Special</u>	13 NCAC 13 .0421
<u>Exhibition Boilers</u>	13 NCAC 13 .0422
<u>Model Hobby Boilers</u>	13 NCAC 13 .0423

**REVENUE, DEPARTMENT OF**

<u>Extension of Filing Date</u>	17 NCAC 05C .2004
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**PHARMACY, BOARD OF**

<u>Registration And Permits</u>	21 NCAC 46 .1401
<u>Medication in Health Care Facility Emergency Departments</u>	21 NCAC 46 .1415

**BUILDING CODE COUNCIL**

<u>2024 NC Administrative Code and Policies</u>	Table 202.5 and Appendix C
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**LIST OF APPROVED TEMPORARY RULES**  
**October 30, 2024 Meeting**

**WILDLIFE RESOURCES COMMISSION**

Bladen County

15A NCAC 10F .0304