

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Pesticide Board

RULE CITATION: 02 NCAC 09L .1913

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
 - ☐ Lack of statutory authority
 - ☒ Unclear or ambiguous
 - ☒ Unnecessary
 - ☐ Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

Staff recommends objection for lack of necessity and clarity. This Rule states "These Rules shall be effective January 1, 1984." This is repetitive of the effective date contained in the history note and is therefore unnecessary. The Rule also does not specify whether "these Rules" refers to the Rules of this Section or the Rules of this Subchapter, making it unclear.

02 NCAC 09L .1913 is readopted as published in 34:11 NCR 906 as follows:

02 NCAC 09L .1913 EFFECTIVE DATE OF STORAGE REGULATION

These Rules shall become effective January 1, 1984. These Rules shall be in force and binding on all existing or future pesticide storage facilities.

History Note: Authority G.S. 143-441; 143-461;

Eff. January 1, ~~1984-1984~~;

Readopted Eff. May 1, 2020.