

REQUEST FOR TECHNICAL CHANGE

AGENCY: Pesticide Board

RULE CITATION: 02 NCAC 09L .0706

DEADLINE FOR RECEIPT: June 9, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 5, is the language "as provided for by law" necessary?

In (b), line 6, do you mean "may" or "shall?"

At lines 7-8, when do red-winged blackbirds concentrate "in such numbers or manner as to constitute a health hazard or other nuisance?" How is this determination made?

In your history note, please update the effective date. The earliest possible effective date for this Rule is July 1, 2020.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: May 26, 2020

02 NCAC 09L .0706 is readopted as published in 34:11 NCR 905 as follows:

02 NCAC 09L .0706 RED-WINGED BLACKBIRD

(a) The North Carolina Pesticide Board hereby declares the red-winged blackbird, *agelaius phoeniceus* (linnaeus) to be a pest as provided for by law.

(b) Pesticides registered for use to control the red-winged blackbird may be used when it is committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers or manner as to constitute a health hazard or other nuisance.

History Note: Authority G.S. 143-444(1); 143-458;

Eff. July 11, ~~1976~~; 1976;

Readopted Eff. June 1, 2020.