

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

Agency - Pesticide Board

Comment Period - January 16, 2018 - March 17, 2018

Date Submitted to APO - Filled in by RRC staff

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	SECTION .0100 - ORGANIZATIONAL RULES	02 NCAC 09L .0101	DUTIES OF THE PESTICIDE SECTION	Amended Eff. August 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0102	DUTIES (CONTINUED)	Amended Eff. November 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0103	ASSIGNMENT OF DUTIES	Amended Eff. August 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0300 - REGISTRATION	02 NCAC 09L .0301	REGISTRATION CUSTOM-BLENDED PESTICIDE-FERTILIZER MIXTURES	Amended Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0306	ADDITIONAL INFORMATION	Eff. February 1, 1976	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0308	REGISTRATION FOR THE FOLLOWING YEAR	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0310	REREGISTRATION	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0313	REFUNDS OF FEES	Eff. February 1, 1976	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0316	COMMON AND CHEMICAL NAMES OF PESTICIDES	Eff. November 1, 1988	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0317	REGISTRATION OF PESTICIDES TO MEET SPECIAL LOCAL NEEDS	Eff. November 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR part 162 Subpart D	No	Necessary with substantive public interest
		02 NCAC 09L .0318	EXEMPTION OF AGENCIES FOR USE OF PESTICIDES IN EMERGENCIES	Eff. November 1, 1988	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 166	No	Necessary with substantive public interest
	SECTION .0400 - SAMPLES AND SUBMISSIONS	02 NCAC 09L .0402	TOLERANCES	Amended Eff. November 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0500 - PESTICIDE LICENSES	02 NCAC 09L .0502	LIST OF RESTRICTED USE PESTICIDES	Amended Eff. January 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0503	PESTICIDE APPLICATORS	Eff. February 1, 1976	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest

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		02 NCAC 09L .0504	DEFINITIONS	Amended Eff. June 1, 2016	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0505	CLASSIFICATIONS	Amended Eff. June 1, 2016	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0506	GOVERNMENTAL WORKERS	Amended Eff. May 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0507	CATEGORIES OF CONSULTANTS	Amended Eff. June 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0509	CONSULTANT EDUCATION REQUIREMENTS	Amended Eff. July 1, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0512	AGE REQUIREMENT	Eff. February 1, 1976	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary without substantive public interest
		02 NCAC 09L .0515	RE-EXAMINATIONS	Amended Eff. October 27, 1979	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0516	CONTINUANCES	Amended Eff. August 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0517	PASSING GRADES	Amended Eff. September 1, 1987	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary without substantive public interest
		02 NCAC 09L .0519	CERTIFICATION	Amended Eff. January 1, 1990	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0520	RE-CERTIFICATION REQUIREMENTS	Eff. September 10, 1980	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0522	RE-CERTIFICATION OPTIONS	Amended Eff. June 1, 2016	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0523	RE-CERTIFICATION IN ADDITIONAL CATEGORIES	Amended Eff. October 22, 1981	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest

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		02 NCAC 09L .0524	EXPIRATION OF CERTIFICATION	Amended Eff. February 4, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .0525	RECERTIFICATION OF PESTICIDE DEALERS	Amended Eff. November 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0526	PESTICIDE DEALER RECERTIFICATION OPTIONS	Eff. October 22, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0527	EXPIRATION OF PESTICIDE DEALER CERTIFICATION	Eff. October 22, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0528	RECERTIFICATION CREDIT APPROVAL	Eff. November 1, 1988	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary without substantive public interest
		02 NCAC 09L .0529	SOIL AND GROWING MEDIA FUMIGATION EXAMINATION WAIVER	Eff. August 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
	SECTION .0600 - PESTICIDE AND PESTICIDE CONTAINER DISPOSAL	02 NCAC 09L .0601	DEFINITIONS	Amended Eff. December 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .0602	DISPOSAL OF PESTICIDES	Amended Eff. October 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0603	DISPOSAL OF PESTICIDE CONTAINERS	Amended Eff. October 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0604	PROHIBITED DISPOSAL PROCEDURES	Amended Eff. December 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - DECLARATION OF PESTS AND RESTRICTIONS ON THEIR CONTROL	02 NCAC 09L .0701	ORCHARD RATS	Amended Eff. March 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0702	RESTRICTIONS CONCERNING CONTROL OF ORCHARD RATS	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0703	GULLS	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		02 NCAC 09L .0704	RESTRICTIONS CONCERNING CONTROL OF GULLS	Eff. February 1, 1976	Unnecessary	No		No	Unnecessary
		02 NCAC 09L .0705	RESTRICTIONS CONCERNING CONTROL OF PIGEONS	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0706	RED-WINGED BLACKBIRD	Eff. July 11, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .0707	EASTERN AND HAIRY-TAILED MOLES	Eff. April 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0800 - BULK DISTRIBUTION OF PESTICIDES	02 NCAC 09L .0810	ADOPTION BY REFERENCE	Eff. April 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 165 Subpart E	No	Necessary with substantive public interest
	SECTION .0900 - FORMS	02 NCAC 09L .0901	DESIGNATIONS	Amended Eff. November 1, 1988	Unnecessary	No		No	Unnecessary
	SECTION .1000 - AERIAL APPLICATION OF PESTICIDES	02 NCAC 09L .1001	DEFINITIONS	Amended Eff. January 1, 1985	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1002	GENERAL REQUIREMENTS	Amended Eff. May 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1003	DRIFT CONTROL	Amended Eff. January 1, 1985	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1004	HANDLING AND LOADING OF PESTICIDES	Amended Eff. January 1, 1985	Unnecessary	No		No	Unnecessary
		02 NCAC 09L .1005	RESTRICTED AREAS	Amended Eff. July 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1006	EXEMPTIONS	Amended Eff. October 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1009	NOTIFICATION OF APIARIES	Amended Eff. January 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .1100 - PRIVATE PESTICIDE APPLICATOR CERTIFICATION	02 NCAC 09L .1102	DEFINITIONS	Amended Eff. June 1, 2016	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest

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		02 NCAC 09L .1103	CERTIFICATION EXAMINATION	Amended Eff. August 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1104	SINGLE PURCHASE EMERGENCY CERTIFICATION PERMIT	Amended Eff. June 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1105	APPLICATIONS UNDER SUPERVISION OF CERTIFIED APPLICATOR	Amended Eff. February 5, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1107	AGE LIMITATIONS	Eff. December 1, 1976	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1108	TERM OF CERTIFICATION; RECERTIFICATION	Amended Eff. June 1, 2016	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1109	CERTIFICATION OF PRIVATE APPLICATORS	Eff. August 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1110	RECERTIFICATION BY EXAMINATION	Amended Eff. October 1, 2002	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary without substantive public interest
		02 NCAC 09L .1111	CERTIFICATION/RECERTIFICATION FEE	Amended Eff. May 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .1200 - ARSENIC TRIOXIDE	02 NCAC 09L .1201	RESTRICTIONS ON USE AND STORAGE	Eff. April 21, 1977	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1202	PESTICIDE DEALER AND PURCHASER RESPONSIBILITY	Amended Eff. November 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .1300 - AVAILABILITY OF RESTRICTED USE PESTICIDES	02 NCAC 09L .1301	DEFINITIONS	Amended Eff. November 1, 1988	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary without substantive public interest
		02 NCAC 09L .1302	GENERAL REQUIREMENTS	Amended Eff. February 5, 1978	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1303	EXEMPTIONS	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1305	RECORD KEEPING REQUIREMENTS	Eff. August 1, 2002	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest

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		02 NCAC 09L .1306	RECIPIENT IDENTIFICATION	Eff. August 1, 2002	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
	SECTION .1400 - GROUND APPLICATION OF PESTICIDES	02 NCAC 09L .1401	DEFINITIONS	Amended Eff. November 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1402	RECORD KEEPING REQUIREMENTS	Amended Eff. April 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 171	No	Necessary with substantive public interest
		02 NCAC 09L .1404	DRIFT CONTROL	Eff. August 1, 1985	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .1800 - WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES	02 NCAC 09L .1805	ADOPTION BY REFERENCE	Eff. July 1, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 170	No	Necessary with substantive public interest
		02 NCAC 09L .1806	CROP ADVISOR EXEMPTION	Eff. April 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR Part 170.601(b)	No	Necessary with substantive public interest
		02 NCAC 09L .1807	SPECIFIC INFORMATION ABOUT APPLICATIONS	Eff. May 1, 2009	Unnecessary	No		No	Unnecessary
	SECTION .1900 - PESTICIDE STORAGE	02 NCAC 09L .1901	DEFINITIONS	Amended Eff. April 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1902	STORAGE REQUIREMENTS FOR ALL PESTICIDES	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1904	NOTIFICATION REQUIREMENTS: RESTRICTED USE PESTICIDES	Amended Eff. November 1, 1989	Unnecessary	No		No	Unnecessary
		02 NCAC 09L .1905	STORAGE FACILITY REQUIREMENTS: RUP	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1906	LARGE STORAGE FACILITY REQUIREMENTS: RUP	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1907	PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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		02 NCAC 09L .1908	CONTENT OF CONTINGENCY PLAN	Eff. January 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1909	COPIES OF CONTINGENCY PLAN	Eff. January 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1910	REVIEW AND RETURN OF CONTINGENCY PLAN	Amended Eff. November 1, 1989	Unnecessary	No		No	Unnecessary
		02 NCAC 09L .1911	AMENDMENT OF CONTINGENCY PLAN	Amended Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .1913	EFFECTIVE DATE OF STORAGE REGULATION	Eff. January 1, 1984	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .1914	BULK STORAGE REQUIREMENTS	Eff. April 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .2000 - CHEMIGATION	02 NCAC 09L .2001	DEFINITIONS	Eff. January 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .2002	APPLICATION OF PESTICIDES THROUGH IRRIGATION SYSTEMS	Eff. January 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .2003	PROHIBITION OF CONNECTION TO A PUBLIC WATER SYSTEM	Eff. January 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .2004	INSPECTION: INSTALLATION: MAINTENANCE AND MODIFICATIONS	Eff. January 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .2100 - HEARING RULES OF THE NORTH CAROLINA PESTICIDE BOARD	02 NCAC 09L .2101	NOTICE OF HEARING: ANSWER	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .2102	RIGHT TO HEARING	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .2103	LOCATION OF HEARING	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		02 NCAC 09L .2104	INTERVENTION; DISCOVERY	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .2105	SUBPOENAS	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .2106	CONDUCT OF HEARING	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		02 NCAC 09L .2107	DECISION OF BOARD	Eff. February 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .2200 - INTERIM PROTECTION MEASURES FOR THE CAROLINA HEELSPITTER MUSEUM	02 NCAC 09L .2201	DEFINITIONS	Eff. July 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .2202	PESTICIDE USE LIMITATION AREAS	Eff. July 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		02 NCAC 09L .2203	PESTICIDES WITH ADDITIONAL USE LIMITATIONS	Eff. July 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest