

02 NCAC 48A .0401 is readopted with changes as published in 35:05 NCR 560 as follows:

SECTION .0400 - WHITE PINE BLISTER RUST

02 NCAC 48A .0401 CURRANT AND GOOSEBERRY PLANTS

(a) All wild and cultivated currant and gooseberry plants in North Carolina are hereby declared to be dangerous plants and are consequently subject to destruction upon notice by the Commissioner of Agriculture or authorized agents wherever found.

(b) No person shall knowingly and willfully keep upon his or her premises any currant or gooseberry plant, or permit such plants to mature seed or otherwise multiply upon his or her land.

History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420;

Eff. January 1, ~~1985~~. 1985;

Readopted Eff. January 1, 2021.

02 NCAC 48A .0402 is readopted with changes as published in 35:05 NCR 560 as follows:

02 NCAC 48A .0402 INFECTED PINES

(a) All five-leafed pines infected with white pine blister rust in North Carolina are hereby declared to be dangerous plants and are consequently subject to destruction upon notice by the Commissioner of Agriculture or authorized agents wherever found.

(b) No person shall knowingly and willfully keep upon his or her premises any five-leafed pines infected with white pine blister rust, or permit such plants to mature seed or otherwise multiply upon his or her land.

History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420;

Eff. January 1, ~~1985~~. 1985;

Readopted Eff. January 1, 2021.

02 NCAC 48A .0612 is readopted with changes as published in 35:05 NCR 560 as follows:

02 NCAC 48A .0612 COTTON STALK DESTRUCTION

(a) Upon notification in writing by the Commissioner of Agriculture, any farm operator may be ordered to destroy standing cotton stalks in his or her fields when it is deemed by the Plant Pest Administrator that such the cotton stalks constitute a potential for harboring overwintering population of boll weevils. Such As determined by the Plant Pest Administrator, the cotton stalk destruction shall consist of shredding or disking as necessary to eliminate standing stalks. Such The notification will designate which fields are subject to stalk destruction. Designation of fields subject to stalk destruction will be based on the capturing of at least two adult boll weevils between September 15 and December 15 of a calendar year. Any field which is adjacent to a designated field may also be subject to stalk destruction upon notification by the Commissioner.

(b) Any farm operator subject to the provisions of Paragraph (a) shall destroy the cotton stalks before February 1 of the following calendar year. Any cotton stalks not destroyed before February 1 shall be treated as regulated articles for the purposes of G.S. 106-65.73. Any field containing such the stalks on February 1 shall be quarantined until such the stalks are destroyed. Any farm operator who fails to comply with this Rule, absent a waiver as provided in Paragraph (c), shall be assessed a penalty fee of five dollars (\$5.00) per acre.

(c) Any farm operator subject to the provisions of Paragraph (a) who cannot destroy cotton stalks before February 1 due to emergency or hardship may apply for a waiver. The application waiver by submitting a letter shall be made in writing before January 1 to the Plant Pest Administrator stating the conditions justifying the waiver. The Plant Pest Administrator shall notify the farm operator of his or her decision within two weeks after receipt of such application. The Plant Pest Administrator is located in the Plant Industry Division and can be contacted by calling the Division at 919-707-3730. Waivers shall be approved only if justified by emergency or hardship due to meteorological conditions, economic conditions, or other causes beyond the control of the farm operator.

History Note: Authority G.S. 106-65.73; 106-65.74; 106-65.77;

Eff. December 1, 1985;

Amended Eff. January 1, ~~1987~~ 1987;

Readopted Eff. January 1, 2021.