Abby,

This email is to officially withdraw the NC Pesticide Board rules that were submitted on July 18th. Please let me know if you have any questions.

Thanks, Chrissy

Chrissy Waggett | Federal Liaison | NC Department of Agriculture and Consumer Services | 1001 MSC, Raleigh, NC 27699 | 919-707-3008 (direct) |

<u>NC Department of Agriculture; NC Friends of Agriculture Foundation; Commissioner's Food Safety</u> Forum; NC Ag Development Forum

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1	02 NCAC 09L .	0101 is proposed for amendment as follows:
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3		SUBCHAPTER 9L - PESTICIDE SECTION
4		
5		SECTION .0100 - ORGANIZATIONAL RULES
6 7	02 NCAC 09L .	0101 DUTIES OF THE PESTICIDE SECTION
8	The primary dut	ies of the pesticide section of the food and drug protection structural pest control and pesticide division are
9	the administration	on and enforcement of the North Carolina Pesticide Law of 1971, G.S. Chapter 143.
10		
11	History Note:	Authority G.S. 143-461(5);
12		Eff. February 1, 1976;
13		Amended Eff. August 1, 1982; January 27, 1978.
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15 16		
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1 02 NCAC 09L .0103 is proposed for amendment as follows:

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3 ASSIGNMENT OF DUTIES 02 NCAC 09L .0103

4 The Commissioner of Agriculture has assigned the administrative and enforcement duties and functions assigned to him in the

5 North Carolina Pesticide Law of 1971 to the food and drug protection structural pest control and pesticides division of the

6 North Carolina Department of Agriculture. Agriculture and Consumer Services.

- 8 Authority G.S. 143-438; History Note:
 - Eff. February 1, 1976;

3 ACEM 10 Amended Eff. August 1, 1982; January 27, 1978.

- 1 02 NCAC 09L .0316 is proposed for amendment as follows:
- 2

3 02 NCAC 09L .0316 COMMON AND CHEMICAL NAMES OF PESTICIDES

HDRAMA

The North Carolina Pesticide Board adopts by reference in accordance with G.S. 150B-14(c) the volume entitled "Acceptable Common Names and Chemical Names for the Ingredient Statement on Pesticide Labels," as published by the Office of Pesticide Programs of the Environmental Protection Agency, Washington, D.C. Copies of "Acceptable Common Names and Chemical Names for the Ingredient Statement on Pesticide Labels" are available for inspection in the Office of the Pesticide Administrator of the Food and Drug Protection Director of the Structural Pest Control and Pesticides Division and may be obtained at a cost as determined by the publisher by contacting National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161. 5301 Shawnee Road, Alexandria, Virginia, 22312, or at info@ntis.gov.

 12
 History Note:
 Authority G.S. 143-461; 150B-14;

 13
 Eff. November 1, 1988.

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- 1 02 NCAC 09L .0317 is proposed for amendment as follows:
- 2 3

02 NCAC 09L .0317 REGISTRATION OF PESTICIDES TO MEET SPECIAL LOCAL NEEDS

4 The North Carolina Pesticide Board adopts by reference in accordance with G.S. 150B-14(c), "Regulations Pertaining to State 5 Registration of Pesticides to Meet Special Local Needs," 40 C.F.R. Part 162, Subpart D. This reference establishes 6 procedures and criteria under which the state may register pesticide products, or any uses thereof, formulated for distribution and use within the state to meet special local needs under Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide 7 8 Act (7 U.S.C. 136 et seq.). Copies of "Regulations Pertaining to State Registration of Pesticides to Meet Special Local 9 Needs" are available for inspection in the Office of the Pesticide Administrator of the Food and Drug Protection Director of 10 the Structural Pest Control and Pesticides Division and may be obtained at a cost as determined by the publisher by contacting Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. 20401, or at http://www.gpo.gov. 11 12 Authority G.S. 143-437;143-440; 143-461; 150B-14; 13 History Note:

Eff. November 1, 1988.

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- 1 02 NCAC 09L .0318 is proposed for amendment as follows:
- 2 3

02 NCAC 09L .0318 EXEMPTION OF AGENCIES FOR USE OF PESTICIDES IN EMERGENCIES

The North Carolina Pesticide Board hereby adopts by reference in accordance with G.S. 150B-14(c) "Exemption of Federal and State Agencies for Use of Pesticides in Emergencies," 40 C.F.R. Section 166. This reference establishes criteria for determining the conditions under which an emergency exists, the procedures for obtaining an exemption, and sets forth requirements related thereto. Copies of "Exemption of Federal and State Agencies for Use of Pesticides in Emergencies" are available for inspection in the Office of Pesticide Administrator of the Food and Drug Protection Director of the Structural Pest Control and Pesticides Division and may be obtained at a cost as determined by the publisher by contacting Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. <u>20402</u>. <u>20401</u>, or at http://www.gpo.gov. 11

History Note: Authority G.S. 143-437; 143-440; 143-461; 150B-14;
 Eff. November 1, 1988.

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1	02 NCC 09L .04	02 is proj	posed for	amendment as follows:			
2							
3	02 NCAC 09L .	0402	TOLER	ANCES			
4	In regards to esta	blishing t	olerances	providing for reasonable	deviations	from the guaranteed ana	lysis statement, the following
5	guidelines are ad	lopted:					
6	(1)	that, in g	general, a	"passed" judgment on a p	esticide for	mulation be made if the	analytical results are within
7		the follo	owing gui	delines:			
8							
9		Pesticid	e Active I	Ingredient		Allowable Deviation	
10		Guarant	ee, Perce	nt		Below Guarantee	
11							
12			<1.00			15 percent of Guarant	·
13		1.00 -	19.99		0.1 plus	5 percent of Guarant	ee
14		20.00	- 49.99		0.5 plus		
15		50.00	- 100.00		1.0 plus	2 percent of Guarant	ee
16							
17	Additional consid	derations		•	Ch		
18		(a)					ug protection structural pest
19							anufacturer is not formulating
20			-		-		e judgment may be made to
21						ormulating products in	a manner only to stay within
22				wable deviation from the	-		
23		(b)		-	•		y be "deficient" if one of the
24 25			followin analysis:		y be expect	ed to have contributed	significantly to the off-limits
25 26			(i)		me such a	s fartilizar pasticida m	ixtures and certain granular
20		\sim	(1)	products;	ins, such a	s terunzer-pestielde m	ixtures and certain granular
28		$\langle \ \rangle$	(ii)	-	producibili	ty etc. of the method	s used when applied to the
29			(11)	particular formulation;	producioni	ty, etc., of the method	s used when applied to the
30	(2)	that, allo	owable de	viations, similar to those	for "deficie	ncies," are not applicabl	e to "overages." Each sample
31		analysis	will be ju	udged individually as to v	whether or	not the overage is exce	ssive by using the following
32		criteria:					
33		(a)	no illega	al residues resulting from	use accord	ing to directions;	
34		(b)	no signif	ficant additional hazard to	o applicato	r or user;	
35		(c)	no signif	ficant damage to non-targ	get organisr	ns or the environment;	
36		(d)	stability	of ingredients and the ne	ed for "ove	er-formulating";	

37		(e) accuracy, specificity, reproducibility, etc., of the methods used when applied to the particular
38		formulation.
39		
40	History Note:	Authority G.S. 143-437(1); 143-446;
41		Eff. February 1, 1976;
42		Amended Eff. November 1, 1988; August 1, 1982; January 27, 1978.
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02 NCAC 09L .0506 is proposed for amendment as follows:

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3	02 NCAC 09L .	0506	GOVERNMENTAL WORKERS
4	Persons in job cl	assificat	ions in the government unit or agencies listed below are required to be licensed as public operators:
5	(1)	North	Carolina Department of Transportation, division of highway (14 divisions);
6	(2)	United	States Department of Agriculture, Animal and Plant Health Inspection Service:
7		(a)	staff specialist for witchweed control,
8		(b)	assistant district director,
9		(c)	work unit supervisors,
10		(d)	designated inspectors who supervise pesticide applications,
11		(e)	witchweed methods development laboratory supervisor,
12		(f)	witchweed methods development assistant laboratory supervisor;
13	(3)	North	Carolina Department of Agriculture and Consumer Services plant industry division:
14		(a)	plant pest administrator,
15		(b)	entomological program specialist,
16		(c)	plant pathologist,
17		(d)	greenhouse manager,
18		(e)	area supervisors,
19		(f)	pest control specialists,
20		(g)	all plant pest inspectors who have supervision of pesticide applications as part of their job
21			assignments;
22	(4)	North	Carolina Department of Environment, Health, and Natural Resources, Forest Resources Division,
23		pest co	ontrol unit: Agriculture and Consumer Services, NC Forest Service:
24		(a)	pest control foresters, <u>forest health program head</u>,
25		(b)	pest control staff forester, forest health staff foresters,
26		(c)	nursery unit superintendents, managers,
27		(d)	tree improvement unit technicians, supervisors,
28		(e)	forestation unit rangers;
29	(5)	North	Carolina Department of Environment, Health, and Natural Resources, Public Health Pest
30	. N	Manag	ement Section, Division of Environmental Health one medical entomologist;
31	(б)<u>(5)</u>	County	y boards of health and municipal governments:
32		(a)	In counties where the health department employees apply all the pesticides or supervise, on a
33			weekly or more frequent basis, the activities of all municipal employees applying pesticides, at
34			least one county sanitarian must be licensed.
35		(b)	One county sanitarian and one municipal employee for each municipality must be licensed in
36			counties where the health department personnel apply pesticides but have no direct control over
37			municipal employees who apply pesticides.

38		(c)	One licensed supervisor for each municipality, sanitary district or mosquito control district must
39			be licensed in counties where only municipal, sanitary district or mosquito control district
40			personnel apply pesticides.
41			
42	History Note:	Authori	ity G.S. 143-453(c)(1); 143-460(33);
43		Eff. Fel	bruary 1, 1976;
44		Amende	ed Eff. May 1, 1991; August 1, 1982; January 27, 1978.
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02 NCAC 09L .0516 is proposed for amendment as follows:

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02 NCAC 09L .0516 CONTINUANCES

4 Any firm, corporation, or government unit which is deprived of the services of the sole individual at an outlet who is licensed 5 as a pesticide dealer may continue to operate in their usual manner for a maximum of two months, provided that a request for 6 an examination appointment is directed to the food and drug protection structural pest control and pesticides division of the 7 North Carolina Department of Agriculture and Consumer Services for a designated individual within two weeks of that date when the services of their licensed pesticide dealer was terminated, and an individual is available who has worked in pesticide 8 sales under the supervision of a licensed pesticide dealer for at least three months and which person will supervise pesticide 9 10 sales during the interim period. 11 12 Authority G.S. 143-449(b); History Note: 13 *Eff. February 1, 1976;* 14 Amended Eff. August 1, 1982; January 27, 1978. 15 16 17 DRAW

1	02 NCAC 09L	.0522 is pro	posed for a	amendment	as follows:
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3 02 NCAC 09L .0522 RECERTIFICATION OPTIONS

(a) 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 must be approved by the Board and 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. Continuing Certification Credit Requirements

9 for each pest control category are as follows:

10	(1)	aquatic	6 credits per 5-year period				
11	(2)	public health	6 credits per 5-year period				
12	(3)	forest	6 credits per 5-year period				
13	(4)	right-of-way	4 credits per 5-year period				
14	(5)	regulatory	6 credits per 5-year period				
15	(6)	ag pest-animal	6 credits per 5-year period				
16	(7)	ornamental and turf	10 credits per 5-year period				
17	(8)	seed treatment	3 credits per 5-year period				
18	(9)	ag pest-plant	10 credits per 5-year period				
19	(10)	demonstration and research	10 credits per 5-year period				
20	The Continuing	Certification Credits required may	consist of any combination of credits divided between training in the				
21	primary categori	es (1) through (9) of this Rule and tr	aining in demonstration and research.				
22	(11)	aerial					
23			4 credits per 2-year period				
24	The Continuing	Certification Credits required must i	nclude one credit obtained through training in aerial methods.				
25	(12)	wood treatment					
26			4 credits per 5-year period				
27	The Continuing (Certification Credits established for e	each ground application pest control category must be obtained in at least				
28	two years of the five-year period.						
29	(b) Participation	in one training session conducted by	extension pesticide personnel, or other approved organizations, during				
30	the recertification	n period, and satisfactory passing of a	a written comprehensive examination administered by the North Carolina				
31	Department of A	griculture and Consumer Services p	ersonnel at the conclusion of training.				
32	(c) Satisfactory	passing of a written comprehensive e	xamination administered by North Carolina Department of Agriculture				
33	and Consumer Second	ervices personnel and based on train	ing materials which have been approved by the Board.				
34							
35	History Note:	Authority G.S. 143-437(1); 143-44	40(b); 143-453(c)(2); 143-455(d);				
36		Eff. September 10, 1980;					
37		Amended Eff. November 1, 1984.					

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1	02 NCAC 09L.	0901 is proposed for amendment as follows:
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3		SECTION .0900 - FORMS
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5	02 NCAC 09L	.0901 DESIGNATIONS
6	The forms used	by the pesticide section of the food and drug protection structural pest control and pesticides division will be
7	known by the fo	llowing title and numerical designations:
8	(1)	Registration Information LetterForm PC-400;
9	(2)	Official Report TranscriptForm PC-402;
10	(3)	Farm Inspection, Pesticide Use SampleForm PC-403;
11	(4)	Incident Investigation ReportForm PC-404;
12	(5)	Application for Pesticide Dealer's LicenseForm PC-405;
13	(6)	Application for Pesticide Applicator's LicenseForm PC-406;
14	(7)	Application for Aerial Pesticide Applicator's License (Pilot)Form PC-408;
15	(8)	Application for Aerial Pesticide Applicator's License (Contractor)Form PC-409;
16	(9)	Application for Public Operator's (Pesticide Applicator) LicenseForm PC-411;
17	(10)	Application for Pest Control Consultant's LicenseForm PC-412;
18	(11)	Inspection Report of Aerial Application EquipmentForm PC-413.
19	(12)	Application for Registration of Pesticide and/or Product Data SheetForm PC-414;
20	(13)	Application for Renewal of Pesticide RegistrationsForm PC-415;
21	(14)	Pesticide Registration CertificationForm PC-416;
22	(15)	Contingency Plan for Pesticide StorageForm PC-417.
23		
24	History Note:	Authority G.S. 143-461;
25		Eff. February 1, 1976;
26		Amended Eff. November 1, 1988; January 1, 1984; August 1, 1982; November 30, 1978.
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1	02 NCAC 09L .1	001 is proposed for amendment as follows:
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3		SECTION .1000 - AERIAL APPLICATION OF PESTICIDES
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5	02 NCAC 09L .	1001 DEFINITIONS
6	All specific word	ls or terms used in this Section shall have the same definitions as shown in the North Carolina Pesticide Law
7	of 1971, G.S. 14	3-460, or unless the context otherwise requires, other definitions shall be:
8	(1)	Agricultural Aircraft Operation. The operation of an aircraft for the purpose of dispensing any pesticide
9		directly affecting agriculture, horticulture, forest preservation, or for any other pest control operation;
10	(2)	Adverse Effect. Personal injury, damage to personal property, damage to real property, damage to the
11		environment or any combination of these;
12	(3)	Aircraft. A weight-carrying structure for navigation of the air that is supported either by its own buoyancy
13		or by the dynamic action of the air against its surfaces; This shall include either fixed-wing or rotary-wing
14		aircraft;
15	(4)	Congested Areas. The same meaning as described in Federal Aviation Regulations (F.A.R.), Part 137;
16	(5)	Contractor. Any person who owns or manages an aerial application business which is engaged in the
17		custom application of pesticides;
18	(6)	Custom Application. Any application of pesticides by aircraft for which service a payment is made;
19	(7)	Drift. The airborne movement of pesticides resulting from the application of pesticides such as to carry the
20		pesticides beyond the target area;
21	(8)	Emergency. An occurrence which can impair public health, safety or result in injury, damage, or loss of
22		life which calls for immediate action; An emergency may be minor or of such magnitude as to create a
23		disaster;
24	(9)	Environment. Water, air, land and all plants and man and other animals living therein and the
25		interrelationships which exist among these;
26	(10)	F.A.R137. Federal Aviation Regulations Volume VII, Part 137, as amended through September 10, 1980,
27		relating to agricultural aircraft operations;
28	(11)	Pilot. The person in control of the aircraft during the application of a pesticide;
29	(12)	Registered Apiaryan apiary registered with the North Carolina Department of Agriculture; Agriculture
30		and Consumer Services;
31	(13)	Respirator. A respirator or mask of a type that has been tested by the National Institute of Occupational
32		Safety and Health and found to be satisfactory for protection against the particular pesticide being used;
33	(14)	Spray Equipment. The equipment used for spraying liquid mixtures of pesticides in an agricultural aircraft
34		operation;
35	(15)	Target Area. Intended site of pesticide application;
36	(16)	Toxicity Category I Pesticides. Any pesticide products which are required to display the signal word
37		"Danger" prominently on the label.

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39	History Note:	Authority G.S. 143-458; 143-463;
40		Eff. July 2, 1976;
41		Amended Eff. January 1, 1985.
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02 NCAC 09L .1006 is proposed for amendment as follows:

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3	02 NCAC 09L .10	06	EXEM	PTIONS
4	No person or proce	dure or	spraying	g and spreading system for aerial application of pesticides shall be exempt from any of the
5	provisions of this S	ection	except u	nder these conditions:
6	(1) I	During	an emer	gency proclaimed by the commissioner, specific aerial applicators may, on a temporary
7	b	asis, be	e exemp	ted from all, or from specific regulations by the commissioner.
8	(2) 7	The Pes	ticide B	oard may authorize exemptions:
9	()	a)	from sp	pecific regulations for specific aerial applications when deemed appropriate,
10	()	b)	from s	pecific regulations for an aerial applicator applying pesticides while engaged in
11			experir	nental work for or under the direct supervision of a public agency or while engaged in
12			experir	nental work for a private individual or person.
13	(3) A	Any stat	e, federa	al or public agency or aerial applicator under contractural <u>contractual</u> agreement with and
14	u	inder si	pervisio	on of such an agency when conducting a pest control operation may be exempted from 2
15	Ν	NCAC 9	9L .1002	2(i), (j), General Requirements, and 2 NCAC 9L .1005(b) through (e), Restricted Areas,
16	р	orovide	d that, at	least 30 days prior to the proposed initiation of the subject operation they present to the
17	P	Pesticid	e Section	n, a complete description of the operation which meets or exceeds the following standards:
18	(4	a)	Project	Description. The application shall include all of the following:
19			(i)	explanation of why the project is needed;
20			(ii)	identification of target pest or pests;
21			(iii)	map showing treatment area;
22			(iv)	total acreage to be treated;
23			(v)	proposed dates of application (range).
24	(b)	Descrip	otion of the Pesticide. The application shall contain a description of the pesticide(s)
25			propos	ed for use under the exemption. Such information shall include:
26			(i)	a statement that the pesticide product(s) proposed for use carries current state and
27		\mathbf{V}		federal registration and are currently labeled for the proposed use. Include EPA
28	\sim			registration number for each pesticide;
29	NI		(ii)	Material Safety Data Sheet (MSDS). Include an MSDS for each pesticide proposed for
30				use;
31			(iii)	a statement specifying the composition of the final spray mixture to be applied to the
32				target area. Identify any diluent(s), adjuvant(s), or other materials to be used with the
33				pesticide(s) in the final spray mixture.
34	(1	c)	Aircraf	t Information. The description shall include the following:
35			(i)	identification of type(s) of aircraft proposed for use (fixed wing, helicopter, etc.);
36			(ii)	identification of equipment specifications.
37	()	d)	Enviro	nmental Evaluation. The description shall include the following:

39 sensitive areas in or near the proposed treatment area; 40 (ii) list any rare, threatened, or endangered species in the proposed treatment area and 41 describe measures (if any) to lessen adverse environmental impacts to such species or 42 their habitat from the proposed treatment(s); 43 (iii) describe measures (if any) to lessen adverse environmental impacts of the 44 be included. Describe probable environmental consequences of each alternative; 45 (iv) describe measures (if any) to mitigate the adverse environmental impacts of the 46 proposed project. 47 (e) Notification and Public Input Plan. The application shall contain the following: 48 (i) Preliminary Notification: 49 (A) For small projects (less than 50 acres of fewer that?20 landowners) individual 50 motification (personal contact or malings may be used. This notification shall 51 include the information in criteria (a) through (c); 52 (B) For larger projects, the news methal (radio, TV, newspapers) may be used for 53 preliminary notification (A) public meeting may also be used as a preliminary 54 (iii) Input Plan. There should be a plan for allowing public input ab	38			(i)	identify or map any hospitals, schools, nursing homes, watersheds, and any other
41 describe measures (if any) to lessen adverse environmental impacts to such species or 42 their habitat from the proposed treatment(s); 43 (iii) describe alternative methods of pest control (options). A no treatment alternative should 44 be included. Describe probable environmental consequences of each alternative; 45 (iv) describe measures (if any) to mitigate the adverse environmental impacts of the proposed project. 47 (e) Notification and Public Input Plan. The application shall contain the following: 48 (i) Preliminary Notification: 49 (A) For small projects (less than 50 acres or fewer that 20 landowners) individual notification (personal contact or malings/may be used. This notification shall 50 motification tool: This notification shall include the information in criteria (a) through (c); 51 include the information in criteria (a) through as be used as a preliminary notification tool: This notification shall include the information in criteria (a) through (c); 55 (iii) Input Plan. There should be a plan for allowing public input about the project prior to the final choice of the course of action to be taken; 58 (iii) Operational. Notification. After a decision is made on the course of action to be taken on the projects this may be done on an individual basis. On larger projects the news mether would be in anormatication; <td>39</td> <td></td> <td></td> <td></td> <td>sensitive areas in or near the proposed treatment area;</td>	39				sensitive areas in or near the proposed treatment area;
42 their habitat from the proposed treatment(s); 43 (iii) describe alternative methods of pest control (options). A no treatment alternative should 44 be included. Describe probable environmental consequences of each alternative; 45 (iv) describe measures (if any) to mitigate the adverse environmental impacts of the proposed project. 46 proposed project. 47 (e) Notification and Public Input Plan. The application shall contain the following: 48 (i) Preliminary Notification: 49 (A) For small projects (less than 50 acres or cover that 20 landowners) individual notification (personal contact or matings runy be used. This notification shall include the information in criteria (a) through (c); 52 (B) For larger projects, the news methal (radio, TV, newspapers) may be used for preliminary notification tool. This notification shall include the information in criteria (a) through (c); 53 (iii) Input Plan. There shalled be a plan for allowing public input about the project prior to the final choice of the popel affected by the project should be informed of the decision. On the traiter, the popel affected by the project should be informed of the decision. On the traiter, the popel affected by the project should be informed of the decision. On the traiter, would be an appropriate avenue of notification; 61 (N) A contact person and telephone number shall be listed in the public no	40			(ii)	list any rare, threatened, or endangered species in the proposed treatment area and
 (iii) describe alternative methods of pest control (options). A no treatment alternative should be included. Describe probable environmental consequences of each alternative; (iv) describe measures (if any) to mitigate the adverse environmental impacts of the proposed project. (e) Notification and Public Input Plan. The application shall contain the following: (i) Preliminary Notification: (a) For small projects (less than 50 acres or fewer that 20 landowners) individual notification (personal contact or makingo may be used. This notification shall include the information in criters (a) through (c); (B) For larger projects, the news metia (radio, TV, newspapers) may be used for preliminary notification tool. This notification in criters (a) through (c); (B) For larger projects, the news metia (radio, TV, newspapers) may be used for preliminary notification tool. This notification in criteria (a) through (c); (ii) Input Plan. There should be a plan for allowing public input about the project prior to the final choids of the course of action to be taken; (iii) Operational Notification. After a decision is made on the course of action to be taken on the project the project this may be done on an individual basis. On larger projects the news metia would be an appropriate avenue of notification; (iv) A contact person and telephone number shall be listed in the public notice; (v) Evacuation Plan. For persons concerned about the project because of health reasons, there should be an appropriate avenue of notification; (v) Evacuation Plan. For persons concerned about the project because of health reasons, there should be an appropriate avenue of notification; (v) The Pesticide Section shall either approve, or refer to the North Carolina Pesticide Board all applications for exemption. (vi) Any local health director or acril applicator licensed under the subcategory of public health pest control, u	41				describe measures (if any) to lessen adverse environmental impacts to such species or
44 be included. Describe probable environmental consequences of each alternative; 45 (iv) describe measures (if any) to mitigate the adverse environmental impacts of the proposed project. 47 (e) Notification and Public Input Plan. The application shall contain the following: 48 (i) Preliminary Notification: 49 (A) For small projects (less than 50 acres or fewer that 20 landowners) individual notification (personal contact or maling) may be used. This notification shall include the information in criterin (a) through (c); 50 (B) For larger projects, the news media (radio, TV, newspapers) may be used for preliminary notification to 1 This notification shall include the information in criteria (a) through (c); 51 untrough (c); 55 through (c); 56 (ii) Input Plan. There should be a plan for allowing public input about the project prior to the final choice or the course of action to be taken; 58 (iii) Operational Notification. After a decision is made on the course of action to be taken on the project; this project this may be done on an individual basis. On larger projects the news methar would be an appropriate avenue of notification; 61 five Evacuation Plan. For persons concerned about the project because of health reasons, there should be an optification; 62 (iv) A contact person and telephone number shall	42				their habitat from the proposed treatment(s);
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69under supervision of such local health director when conducting a control operation for disease vectors or70other pest of public health significance shall be exempted from 2 NCAC 9L .1002(i), General71Requirements; .1003, Drift Control; and .1005(b) through (e), Restricted Areas, provided such local health	67		applicati	ions for e	exemption.
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71 Requirements; .1003, Drift Control; and .1005(b) through (e), Restricted Areas, provided such local health	69		under su	pervisio	n of such local health director when conducting a control operation for disease vectors or
	70		other pe	est of p	ublic health significance shall be exempted from 2 NCAC 9L .1002(i), General
72 director or his authorized designed notifies the secretary of the Board prior to initiation of subject operation	71		Require	ments; .1	003, Drift Control; and .1005(b) through (e), Restricted Areas, provided such local health
7.2 uncetor or ms autionized designee normes the secretary of the Board prior to initiation of subject operation	72		director	or his au	thorized designee notifies the secretary of the Board prior to initiation of subject operation
73 and submits the following information:	73		and sub	nits the f	following information:
74 (a) nome of serial applicator or contractor	74		(a)	name of	f aerial applicator or contractor,
74 TALE HALLE OF ACTAL ADDITION OF CONTACTOR	/ 1		(")	inume of	a using approaches of contractor,

75		(b)	location and general description of operation area(s),
76		(c)	identity of target pest(s),
77		(d)	brand name(s) and EPA registration number(s) of the pesticide(s) to be used,
78		(e)	scheduled date(s) of application(s), and
79		(f)	outline of nature of operation.
80	Approved pestic	ide(s) sha	all be applied in compliance with label requirements.
81			
82	History Note:	Authori	ity G.S. 143-458; 143-461(1),(2),(5); 143-463;
83		Eff. Jul	y 2, 1976;
84		Amende	ed Eff. October 1, 1988; January 1, 1985; August 1, 1982; July 21, 1978.
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1	02 NCAC 09L .1104 is proposed for amendment as follows:
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3	02 NCAC 09L	.1104 SINGLE PURCHASE EMERGENCY CERTIFICATION PERMIT	
4	(a) For emergency certification of any applicant who has not previously been certified and did not anticipate need for a		
5	restricted use pesticide, a 10-day permit can be issued by his resident county agricultural extension service pesticide		
6	coordinator auth	norizing the purchase and use of one restricted use pesticide for one application to a crop or site. Prior to	
7	issuance of the p	permit the resident county agricultural extension service pesticide coordinator shall:	
8	(1)	provide the applicant with a training manual and information relative to obtaining full private pesticide	
9		applicator certification, and	
10	(2)	discuss with the applicant proper use of the restricted use pesticide.	
11	(b) If the indiv	vidual requires further use of restricted use pesticides, he must complete one of the certification options	
12	explained in Ru	le .1103 of this Section.	
13	(c) The agricult	ural extension service pesticide coordinator shall keep a copy of the permit provided by the North Carolina	
14	Department of A	Agriculture and Consumer Services which contains the following information:	
15	(1)	name and address of the applicant,	
16	(2)	name and amount of restricted use pesticide,	
17	(3)	crop or site to be treated, and	
18	(4)	date the permit was issued.	
19	Copies of the pe	ermits will be available for review on an as-needed basis by the North Carolina Department of Agriculture.	
20	Agriculture and	Consumer Services.	
21			
22	History Note:	Authority G.S. 143-440;	
23		Eff. December 1, 1976;	
24		Amended Eff. August 26, 1977.	
25			
26			
27			

1	02 NCAC 09L .1401 is proposed for amendment as follows:		
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3		SECTION .1400 - GROUND APPLICATION OF PESTICIDES	
4			
5	02 NCAC 09L	.1401 DEFINITIONS	
6	All specific wor	ds or terms used in this Section other than those defined below shall have the same definitions as shown in the	
7	North Carolina	Pesticide Law of 1971, G.S. 143-460:	
8	(1)	Adverse Effect. Personal injury, damage to personal property, damage to real property, damage to the	
9		environment or any combination of these;	
10	(2)	Drift. The airborne movement of pesticides resulting from the application of pesticides such as to carry the	
11		pesticides beyond the target area;	
12	(3)	Environment. Water, air, land, and all plants and man and other animals living therein and the	
13		interrelationships which exist among these;	
14	(4)	Identification of Farm. For record keeping purposes, licensed pesticide applicators shall use ASCS farm	
15		number or common name of farm or address of farm or other practical means of identification of farm;	
16	(5)	Identification of Site. For record keeping purposes, federal, state or public agencies or licensed pesticide	
17		applicators under contractural contractual agreement with or under supervision of such an agency shall use	
18		statewide or name(s) of county(s) or name(s) of city(s) or name(s) of body(s) of water or other practical	
19		means of identification of site. All other licensed pesticide applicators shall use name of specific	
20		right-of-way or name and address of golf course or specific address of site or other more definitive practical	
21		means of identification of site:	
22	(6)	Object. A physical or living thing occurring on a site; e.g., a structure, animal, tree, ornamental plant, or	
23		material.	
24			
25	History Note:	Authority G.S. 143-458; 143-463; 143-466(a);	
26		Eff. October 21, 1977;	
27		Amended Eff. November 1, 1988; August 1, 1985; February 5, 1978.	
28			
29			
30	\mathcal{N}	▼	

1	02 NCAC 09L .18	05 is proposed	for amendment as follows:
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3 02 NCAC 09L .1805 ADOPTION BY REFERENCE

- 4 The North Carolina Pesticide Board hereby adopts by reference, including subsequent amendments, Part 170 of Title 40 of the
- 5 Code of Federal Regulations, entitled "Worker Protection Standard." Copies of this material may be obtained from the U.S.
- 6 Government Printing Office, Washington, D.C. 20402, at a cost determined by that office. Copies of this material may be
- 7 obtained at no cost from the U.S. Government Printing Office website, www.gpoaccess.gov/cfr/index.html.

5 ACEM 8 9 History Note: Authority G.S. 143-458(a); 10 Eff. July 1, 1993. 11 12 13

1	02 NCAC 09L.	1909 is proposed for amendment as follows:
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3	02 NCAC 09L	.1909 COPIES OF CONTINGENCY PLAN
4	A copy of the co	ontingency plan and all revisions to the plan shall be:
5	(1)	maintained at the facility; and
6	(2)	submitted to the North Carolina Pesticide Board in care of the North Carolina Department of Agriculture,
7		Agriculture and Consumer Services, Pesticide Section.
8		
9	History Note:	Authority G.S. 143-437; 143-440; 143-441; 143-461; 143-466;
10		Eff. January 1, 1984.
11		
12		
13		
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- 1 02 NCAC 09L .2004 is proposed for amendment as follows:
- 2

3 02 NCAC 09L .2004 **INSPECTION: INSTALLATION: MAINTENANCE AND MODIFICATIONS**

4 (a) Antisiphon devices and a functional systems interlock, used for chemigation purposes, shall be installed and maintained to

5 ensure proper function during chemigation.

6 (b) During periods of chemigation, the system operator shall inspect the antisiphon devices and the functional systems

7 interlock to ensure that they are functioning properly.

(c) If modifications or changes in design, technology, irrigation practices or other similar reasons warrant the use or 8

9 placement of equipment in lieu of that specified herein, the Pesticide Board may allow for such changes in advance of use,

- 10 provided protection to the water supply is at least equal to that provided by the equipment, or placement thereof, required in
- 11 this regulation.

(d) Inspections of an irrigation system utilized for chemigation may be made at any time by a representative of the Pesticide 12

Section, North Carolina Department of Agriculture. Agriculture and Consumer Services. Whenever any such equipment is 13

determined not to be in compliance with this Section, the owner or operator shall be issued a stop use order, and the 14

equipment shall not be used for the purpose of applying pesticide(s) until such time as proper repairs and/or alterations are 15

made and the stop use order is released by official notice from the North Carolina Department of Agriculture. Agriculture and 16

- 17 Consumer Services.
- 18

17	Consumer Serv	ices.
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19	History Note:	Authority G.S. 143-463; 143-466;
20		Eff. January 1, 1987.
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