

REQUEST FOR TECHNICAL CHANGE

AGENCY: Pesticide Board

RULE CITATION: 02 NCAC 09L .0707

DEADLINE FOR RECEIPT: Wednesday, March 11, 2015

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), I think the language should read "to be pests"

In (b), line 7, what is "managed turf"? I take it your regulated public knows?

In (b)(7), line 14, what is a "visitors center"? I take it your regulated public knows?

In (c), line 15, replace "regulation" with "Rule"

In (d), generally "but not limited to" is not included in Rule language. Do you feel you need to retain this?

Also in (d), I take it your regulated public knows what the terms "streams, rivers, ponds, swamps, lakes, and wetlands" mean?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 25, 2015

1 02 NCAC 09L .0707 is proposed for adoption as published in 29:08 NCR 906 as follows:

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02 NCAC 09L .0707 EASTERN AND HAIRY-TAILED MOLES

- (a) The North Carolina Pesticide Board hereby declares the eastern mole, *Scalpus aquaticus*, and the hairy-tailed mole, *Parascalops breweri*, to be pest as provided by law.
- (b) Pesticides registered for use to control the eastern mole and the hairy-tailed mole may be used when either species is tunneling in managed turf in the following areas:
 - (1) residential;
 - (2) commercial;
 - (3) government property, excluding federal and state parks;
 - (4) golf courses, driving ranges, and golf instructional facilities;
 - (5) sod farms;
 - (6) athletic fields; or
 - (7) visitor centers and cemeteries.
- (c) For purposes of this regulation, managed turf shall not include pastures.
- (d) Pesticides used to control the eastern mole and the hairy-tailed mole shall not be applied within 100 feet of natural or man-made bodies of water, including but not limited to, streams, rivers, ponds, swamps, lakes, and wetlands.
- (e) Pesticides used to control the eastern mole and the hairy-tailed mole shall not be applied at elevations of 4000 feet or greater.

History Note: Authority G.S. 143-444(1); 143-458
Eff. April 1, 2015.