

## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Pesticide Board

RULE CITATION: 02 NCAC 09L .1009

**DEADLINE FOR RECEIPT: Thursday, December 10, 2015**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 3, add an "N" before "CAC"*

*Line 9, place the term "Notification" in quotation marks to clarify that the term is being defined.*

*Line 13 and 17, clarify what is meant by the term "alternate" Is this a person or an address?*

*Line 20, clarify what qualifies as "instant messaging"*

*Line 20, add a period after "messaging"*

*Line 23, replace "will" with "shall"*

*Line 27, consider adding "143-443(b)(4)" to the authority*

*Line 29, add the amended effective date of "January 1, 2016." to the history note and reflect that addition on line 28.*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, November 24, 2015

02 NCAC 09L .1009 is amended as published in 30:04 NCR 450

## **02 CAC 09L .1009 NOTIFICATION OF APIARIES**

(a) Any person who hires the services of an aerial applicator to apply a pesticide labeled as toxic to bees, shall notify, based on available listings of registered apiaries, the owner or operator of any registered apiary located within ~~one-half~~ one mile of the target area not less than ~~twenty-four~~ forty-eight hours nor more than ten days prior to the beginning of a single application or a seasonal spray schedule, giving the approximate time of day of application and type of pesticide to be used. ~~Notification may be either oral or written.~~

(b) Notification for the purposes of this Paragraph is defined as follows:

(1) written communication by:

(a) U.S. mail,

(b) Notification left at residence, or

(c) Notification left at alternate as designated on the honeybee registration list.

(2) oral communication by:

(a) telephone,

(b) personal communication, or

(c) verbal communication with an alternate as designated on the honeybee registration list.

(3) digital communication by:

(a) electronic mail or

(b) instant messaging

(c) The Pesticide Section ~~will~~ shall distribute new registrations of beekeepers and their alternates by U.S. mail on the first of each quarter (January 1, April 1, July 1, and October 1) to all farmers growing crops within ~~one-half~~ one mile of the apiaries that are identified on the "Apiary Registration Form" of the Plant Industry Division. The list of revised registered apiaries will become effective on the fifth day of the first month in the quarter stated in this Rule. The registration of apiaries shall be effective for the calendar year that they are registered.

*History Note: Authority G.S. 143-458; 143-463; 143-466;*

*Eff. January 1, 1985.*