

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Pesticide Board

RULE CITATION: 02 NCAC 09L .0530

DEADLINE FOR RECEIPT: Tuesday, June 10, 2022.

PLEASE NOTE: *This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On lines 6 and 7-8, please amend the citations to FIFRA to say “(codified at 7 USC § 1361(a))”.

On line 7, please delete the comma following “conviction”, insert “or” between “conviction” and “entry”, and delete the comma following “guilty.” As revised the sentence should read: “... or a criminal ~~conviction~~, conviction or entry of a plea of ~~guilty, guilty~~ or of nolo contendere....”

On line 9, I believe “board” should be capitalized.

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

02 NCAC 09L .0530 is adopted as published in 36:17 NCR 1430-1431 as follows:

02 NCAC 09L .0530 PROHIBITED ACTS

A final order imposing civil liability under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136l(a)) against any pesticide dealer, pesticide applicator, public operator, or pest control consultant, or a criminal conviction, entry of a plea of guilty, or of nolo contendere under Section 14(b) of FIFRA (7 USC 136l(b)) by any pesticide dealer, pesticide applicator, public operator, or pest control consultant shall constitute grounds for the denial, suspension, or revocation of any license or certification issued by the board.

*History Note: Authority G.S. 143-437; 143-451(a)(3); 143-456(a)(5); 143-461(1);
 Eff. July 1, 2022.*

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AGENCY: North Carolina Pesticide Board

RULE CITATION: 02 NCAC 09L .1112

DEADLINE FOR RECEIPT: Tuesday, June 10, 2022.

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On line 9, I believe “board” should be capitalized.

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

Brian Liebman
Commission Counsel
Date submitted to agency: May 26, 2022

02 NCAC 09L .1112 is adopted as published in 36:17 NCR 1430-1431 as follows:

02 NCAC 09L .1112 PROHIBITED ACTS

A final order imposing civil liability under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136l(a)) against any private pesticide applicator, or a criminal conviction, entry of a plea of guilty, or of nolo contendere under Section 14(b) of FIFRA (7 USC 136l(b)) by any private pesticide applicator, shall constitute grounds for the denial, suspension, or revocation of any license or certification issued by the board.

*History Note: Authority G.S. 143-437(1); 143-451(a)(3); 143-456(a)(5); 143-461(1);
 Eff. July 1, 2022.*