

Burgos, Alexander N

Subject: FW: RRC Meeting-January 2025
Attachments: 02 NCAC 34 .0101.docx; 02 NCAC 34 .0902.docx; 02 NCAC 34 .0803.docx; 02 NCAC 34 .0703.docx; 02 NCAC 34 .0604.docx; 02 NCAC 34 .0327.docx; 02 NCAC 34 .0313.docx; 02 NCAC 34 .0309.docx; 02 NCAC 34 .0302.docx

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Friday, January 10, 2025 7:39 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: RRC Meeting-January 2025

Good evening,

Please see attached the final revised version of the rules for the Structural Pest Control Committee, as requested by Travis Wiggs.

If anything additional is needed, please let me know.

Thank you!

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02 NCAC 34 .0101 is amended with changes as published in 39:01 NCR 6-8 as follows:

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

SECTION .0100 - INTRODUCTION AND DEFINITIONS

02 NCAC 34 .0101 GENERAL DUTIES

(a) Applicable to licensees only:

- (1) All licensed structural pest control operators shall ~~faithfully and honestly~~ carry out the provisions and terms of all contracts into which they enter for the control of structural pests.
- (2) ~~In addition to following all minimum requirements outlined in the rules and regulations herein, licensed~~ Licensed structural pest control operators shall be responsible for obtaining satisfactory control of all insects, rodents, fungi, or other pests indicated in the control agreement(s).
- (3) Licensed structural pest control operators shall be responsible for obtaining ~~satisfactory~~ control of active infestations of pests for which control agreements were entered into prior to July 1, 1955, if contracts covering said agreements are currently effective.

(b) Applicable to both licensees and certified applicators:

- (1) The methods and materials used in structural pest control procedures shall be in accordance with the current label registrations of federal and State of North Carolina agencies responsible for making such ~~registrations~~ registrations, which can be found at the EPA's Pesticide Product and Label system website, <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.
- (2) The possession, usage, application, storage, and disposal of all pesticides and all pesticide containers shall be in conformity with all ~~current label registrations~~, federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide ~~containers~~ containers, as set forth in 02 NCAC 34 .0407 and .0408.
- (3) Licensed structural pest control ~~operators~~ operators, or their authorized ~~agents~~ agents, and certified applicators shall maintain at their business location(s) copies of current registered labels for all pesticides used. Such labels shall be made available for inspection upon request of the ~~Division of the Committee~~ Structural Pest Control and Pesticides Division, or the Structural Pest Control Committee.
- (4) Requirements for direct supervision of registered technicians by licensed or certified applicators are as follows:

(A) ~~[ADOPTION BY REFERENCE:]~~ The North Carolina Structural Pest Control Committee hereby ~~[adopts]~~ incorporates by reference for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B— Certification Requirements for Applicators of Restricted Use Pesticides" including

1 subsequent amendments. Copies of this material may be obtained at no cost from the U.S.
2 Government Printing Office website, <http://www.gpo.gov/>.

3 (B) Before any registered technician may use any pesticide under the direct supervision of the
4 licensed or certified applicator, the supervising licensed or certified applicator must ensure
5 that the registered technician has met all of the following qualifications:

6 (i) The registered technician has completed all the training requirements under 02
7 NCAC 34 .0313;

8 (ii) The registered technician has been instructed within the last 12 months in the safe
9 operation of any equipment he or she will use for mixing, loading, transferring, or
10 applying pesticides as required under 02 NCAC 34 .0313(g); and

11 (iii) The registered technician is at least 18 years old.

12 (C) Use-specific conditions that must be met in order for a registered technician to use any
13 pesticide are outlined in ~~the section.~~ this Subpart. The licensed or certified applicator must
14 ensure that all of the following requirements are met before allowing a registered technician
15 to use any pesticide under his or her direct supervision:

16 (i) The licensed or certified applicator must ensure that the registered technician has
17 access to the applicable product labeling at all times during its use.

18 (ii) The licensed or certified applicator must provide the registered technician with all
19 personal protective equipment (PPE) required by the labeling of any pesticide
20 used and through training, documentation, or supervision, ensure that the PPE is
21 being worn and used correctly for its intended purpose.

22 (iii) The licensed or certified applicator must provide to each registered technician,
23 through training, the tools needed to analyze a site prior to an application being
24 made and understand when it is necessary to postpone an application until the
25 supervising licensed or certified applicator be contacted for input. This training
26 must include reading ~~&~~and understanding labeling directions, precautions, and
27 requirements applicable to various sites and uses. ~~uses, and~~ This includes how the
28 characteristics of a use site (e.g., structural pest identification, damage assessment,
29 construction type, control/management options, as well as other factors which
30 could impact any pesticide application decision such as surface and ground water,
31 runoff potential, soil type, weather forecast, endangered species, local population)
32 and the conditions of application (e.g. equipment, method of application,
33 formulation) might increase or decrease the risk of adverse effects. The licensed
34 or certified applicator must provide this information in a manner that the
35 registered technician can understand.

36 (iv) The licensed or certified applicator must, through training, documentation, or
37 inspections, ensure that before each day of use, equipment used for mixing,

1 loading, transferring, or applying pesticides is in proper operating
2 ~~condition~~ condition, as intended by the ~~manufacturer~~ manufacturer, and can be
3 used without risk of ~~reasonably~~ foreseeable adverse effects to the registered
4 technician, other persons, or the environment.

5 (v) The licensed or certified applicator must ensure that a means to immediately
6 communicate with the licensed or certified applicator has been provided to each
7 registered technician using any pesticide under his or her direct supervision.

8 (vi) The licensed or certified applicator must be physically present at the use site, when
9 required by the product labeling

10 (5) Before any registered technician uses any pesticide under the direct supervision of the licensed or
11 certified applicator, the supervising licensed or certified applicator must ensure that the registered
12 technician has met all the requirements and been trained in accordance with ~~2~~02 NCAC 34 .0313.

13 (6) All licensed or certified applicators must adhere to the following provisions of recordkeeping as
14 outlined in the following section and subsection.

15 (A) Prior to the registered technician using any pesticide, the licensed or certified applicator
16 must create or verify the existence of records documenting that each registered technician
17 has met the qualifications required in Subparagraph (b)(5) of this Rule. For each registered
18 technician, the records must contain the information as provided in Part (b)(6)(B) of this
19 Rule.

20 (B) The record must contain all of the following information:

21 (i) The registered technician's printed name and signature;

22 (ii) The date the training requirement in Subparagraph (b)(5) of this Rule was
23 completed;

24 (iii) The name of the person who provided the training; and

25 (iv) The title or a description of the training provided.

26 (C) The licensed or certified applicator supervising any registered technician must have access
27 to records documenting the information required in Part (b)(6)(A) of this Rule at the
28 licensed applicator's principal place of business for two years from the date the registered
29 technician uses the pesticide.

30
31 *History Note: Authority G.S. 106-65.29;*

32 *Eff. July 1, 1976;*

33 *Readopted Eff. November 22, 1977;*

34 *Amended Eff. August 3, 1992; August 1, 1980;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
36 *22, 2018.*

37 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0302 is amended with changes as published in 39:01 NCR 8-10 as follows:

02 NCAC 34 .0302 APPLICATION FOR LICENSES AND CARDS: EXAMINATION

(a) Application for licenses under the provisions of G.S. 106-65.26(a) and (c):

(1) Application for examination shall be on a regular application form prescribed by the Division, Structural Pest Control and Pesticides Division, the requirements of the application which are set forth in G.S. 106-65.26. The Committee shall approve applications if a complete application was submitted to the Division and all criteria under G.S. 106-65.26 has been met. The application form shall include all information set forth by this Rule, as well as in G.S. 106-65.26, and:

(A) the applicant's full name;

(B) the applicant's home address;

(C) the applicant's contact information, either a telephone number or a valid email address;

(D) the applicant's identifying information, including social security number, hair color, eye color, height, and weight; and

(E) the applicant's current and previous employer.

(2) After submission, the application shall be reviewed for completeness by the Division. Applications shall be approved or denied on the basis of criteria set forth by G.S. 106-65.26. Upon approval of the application for examination, the Structural Pest Control Committee secretary shall notify the applicant of said approval and provide the necessary form(s) for allow the applicant to pre-register for the examination as required in Paragraph (c) of this Rule.

(3) Applications to take the examination shall be either typed or printed in ink and sworn to before a notary public or some other official authorized by law to administer oaths.

(4) A high-resolution, full-face, head, and shoulder photograph of the applicant, taken within the preceding 12 months of the date of application, and not less than two and one-half inches square, shall be attached to the application.

(5) All applications to take the examination shall be retained by the office of the Committee secretary. All documents filed in support of an application shall be kept by the office of the Committee secretary; provided, however, that the Committee shall permit such documents to be withdrawn upon substitution of a true copy. Documents filed may include affidavits from homeowners or employers, evidence of a criminal background check, or educational transcripts and supporting documents. All examinations shall remain the property of the Committee.

(6) An applicant who fails to pass the license examination within 12 months of the approval of his or her application shall be required to provide current information concerning his or her qualifications to take the examination to ensure that the applicant is still qualified to take the examination.

(7) An applicant who gives or receives unauthorized assistance in answering test questions from anyone who is not employed by the Division during an examination shall be dismissed from the examination

1 and his or her markings or results shall be voided and said applicant's examination fee shall be
2 forfeited. Unauthorized assistance means any outside assistance that has not been previously
3 approved by the Division. SuchAny applicant using unauthorized assistance shall not be permitted
4 to take a reexamination for a period of six months from the date of the examination. Authorized
5 assistance approved by the Division shall include translation services, interpretation services, or
6 other needs required to adhere to The Americans with Disabilities Act (ADA).

7 (8) No person shall be admitted to the examination room except members of the Committee, the
8 attorney for the Committee, the examining personnel, employees of the Structural Pest Control
9 Division, and the applicants for licensure.

10 (9) Any applicant making a score of 70 percent or more on any license examination(s) shall be issued
11 a license in that phase(s) of structural pest control after submitting a completed application with all
12 required fees and insurance documents therefor.

13 (10) The applicant shall furnish the information required by G.S. 106-65.26 and this Rule to establish
14 that said applicant possesses qualifications as specified in G.S. 106-65.26 of the Act for the
15 particular license(s) which he or she seeks. The Committee ~~or its authorized representatives~~ the
16 Division may, based upon their review of the contents of an application, make ~~such~~ investigations
17 ~~as the Committee deems necessary~~ to review an applicant's qualifications.

18 (11) All applicants passing the examination(s) for licenses shall apply for said licenses within six months
19 from the date on which the examinations were taken. If such applicants fail to make application for
20 said licenses, within the specified period, such applicants shall be required to take and pass
21 reexaminations covering phases of structural pest control work for which licenses were applied
22 before said licenses are issued.

23 (12) If an applicant for a license fails an examination, he or she may review the examination at the next
24 scheduled review session.

25 (b) Application for certified applicator's identification card under the provisions of G.S. 106-65.26(a) and (b):

26 (1) Applications filed pursuant to G.S. 106-65.26(a) and (b) shall be on a form ~~prescribed by the~~
27 ~~Division~~ as set forth by G.S. 106-65.26.

28 (2) An applicant for a certified applicator's identification card in any phase of structural pest control
29 shall furnish information as specified in G.S. 106-65.26 of the Act to establish that said applicant
30 possesses qualifications for the particular certified applicator's identification card which he or she
31 seeks. The Committee or ~~the Division~~ its authorized representatives may, based upon their review of
32 the contents of an application, make ~~such~~ investigations ~~as it deems necessary~~ with respect to the
33 applicant's ~~qualifications~~ qualifications, to determine if they meet the criteria specified in G.S. 106-
34 65.26.

35 (3) All applications for certified applicator's identification cards under the provisions of G.S.
36 106-65.26(a) and (b) shall be retained by the office of the Committee secretary. All documents filed
37 in support of an application shall be kept by the office of the Committee ~~secretary~~ secretary;

1 ~~provided, however, that the Committee shall at its discretion permit such documents to be withdrawn~~
2 ~~upon substitution of a true copy.~~ All examinations shall remain the property of the Committee.

3 (4) Any applicant making a score of 70 percent or more on the core certification examination and on
4 any certified applicator's examination(s) shall be issued a certified applicator's identification card in
5 that phase of structural pest control after submitting a completed Division's Certified Applicator
6 Card application with required fees therefor. ~~ADOPTION BY REFERENCE:~~ The North Carolina
7 Structural Pest Control Committee, hereby ~~adopts~~ ~~incorporates~~ by reference for all Certified
8 Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial applicators" of
9 Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of
10 Pesticide Applicators Subpart B-Certification Requirements for Applicators of Restricted Use
11 Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost
12 from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

13 (A) Industrial, Institutional ~~&~~ and Structural is the only federal category regulated under the
14 NC Structural Pest Control ~~Law~~ Law, G.S. 106-65.25(a), and that category is divided into
15 three subcategory phases. The three subcategory phases and their subsequent competency
16 standards are detailed in this section.

17 (B) Household Pest Control: Applicators must demonstrate practical knowledge of household
18 pests, pest ~~problems~~ ~~problems~~, and pests that are important vectors of disease, including
19 recognizing the pests and signs of their presence, their habitats, their life cycles, biology,
20 and behavior as it may be relevant to problem identification and control. The required
21 knowledge also includes how to minimize damage to, and contamination of areas treated,
22 acute and chronic exposure of people and pets, and non-target exposures.

23 (C) Wood-Destroying Organisms: Applicators must demonstrate a practical knowledge of
24 wood-destroying organisms which may devour or destroy wood, wood ~~products~~ ~~products~~,
25 and other cellulose material in, on, ~~under in~~ ~~under,~~ and in contact with and around
26 structures, including recognizing these pests and signs of their presence, their life cycles,
27 biology, and behavior as it may be relevant to problem identification, treatment and control.
28 The required knowledge also includes how to minimize damage to, and contamination of
29 areas treated, acute and chronic exposure of people and pets, and non-target exposures.

30 (D) Fumigation (non-soil): Applicators must demonstrate practical knowledge of the pest
31 problems and pest control practices associated with performing fumigation applications of
32 restricted use pesticides to sites other than ~~soil~~ ~~soil~~, such as enclosed spaces or structures,
33 including recognizing these pests and signs of their presence, their life cycles, biology, and
34 behavior as it may be relevant to problem identification, treatment, and control. The
35 required knowledge also includes how to minimize damage to, and contamination of areas
36 treated, acute and chronic exposure of people and pets, and non-target exposures.

- 1 (5) ~~All applicants passing the examination(s) for certified applicator's identification cards shall apply~~
2 ~~for said cards within six months from the date on which the examinations were taken. If such~~
3 ~~applicants fail to make application for said certified applicator's identification cards within the~~
4 ~~specified period, such applicants shall be required to take and satisfactorily pass reexaminations~~
5 ~~covering phases of structural pest control work for which certified applicator's identification cards~~
6 ~~were applied before said cards are issued.~~Any applicant making a score of 70 percent or more on
7 the core certification examination and on any certified applicator's examination(s) shall be issued a
8 certified applicator's identification card in that phase of structural pest control after submitting a
9 completed division's certified applicator card application with required fees therefor.
- 10 (6) ~~If an applicant fails to obtain a certified applicator's identification card within 12 months of passing~~
11 ~~the core examination the applicant shall take and pass a reexamination before being eligible for the~~
12 ~~card.~~All applicants passing the examination(s) for certified applicator's identification cards shall
13 apply for said cards within six months from the date on which the examinations were taken. If such
14 applicants fail to make application for said certified applicator's identification cards within the
15 specified period, such applicants shall be required to take and satisfactorily pass reexaminations
16 covering phases of structural pest control work for which certified applicator's identification cards
17 were applied before said cards are issued.
- 18 (7) ~~Upon receipt of the application for examination, the Committee secretary shall provide the necessary~~
19 ~~exam pre registration forms for the applicant to pre register for the examination as required in~~
20 ~~Paragraph (c) of this Rule.~~If an applicant fails to obtain a certified applicator's identification card
21 within 12 months of passing the core [examination] examination, the applicant shall take and pass a
22 reexamination before being eligible for the card.
- 23 (8) ~~If an applicant for a certified applicator's card fails an examination, he or she may review the~~
24 ~~examination at the next scheduled review session.~~Upon receipt of the application for examination,
25 the Committee secretary shall provide the necessary exam pre-registration forms for the applicant
26 to pre-register for the examination as required in Paragraph (c) of this Rule.
- 27 (9) ~~Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for certified~~
28 ~~applicator's identification cards.~~If an applicant for a certified applicator's card fails an examination,
29 he or she may review the examination at the next scheduled review session.
- 30 (10) ~~Completion of the Registered Technician School shall be a prerequisite for the certification~~
31 ~~examination.~~Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for
32 certified applicator's identification cards.
- 33 (11) Completion of the registered technician school shall be a prerequisite for the certification
34 examination.

35 (c) Pre-registration for license and certified applicator examination applicants:

1 (1) All applicants for the license or certified applicator's examination(s) shall pre-register with the
2 Committee secretary for said examination(s) no less than 10 days prior to the date of the
3 examination.

4 (2) Applicants who fail to pre-register shall not be permitted to take the examination.

5 (3) Pre-registration shall include a completed application for examination.

6 (d) Frequency of examination by license applicant limited:

7 (1) An applicant who fails to pass the license examination on his or her first attempt may retake the
8 examination at any subsequent scheduled examination.

9 (2) An applicant who fails to pass the second license examination shall wait a minimum of one
10 examination between each subsequent examination: except that, in the event of a death of a licensee
11 the applicant intending to succeed the deceased licensee may take the examination a third time prior
12 to the first one examination waiting period.

13 (3) No applicant shall be permitted to take the examination more than six times per year nor more than
14 two times in consecutive months, except as provided for in Subparagraph (d)(2) of this Rule.

15

16 *History Note: Authority G.S. 106-65.29;*

17 *Eff. July 1, 1976;*

18 *Readopted Eff. November 22, 1977;*

19 *Amended Eff. July 1, 1998; August 3, 1992; January 1, 1991; January 1, 1989;*

20 *Readopted Eff. June 1, 2020.*

21 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0309 is amended with changes as published in 39:01 NCR 10-11 as follows:

2
3 **02 NCAC 34 .0309 RECERTIFICATION**

4 (a) ~~Certified applicators and licensees shall be certified for a five year period. At the end of said five year period, a~~
5 ~~certified applicator or licensee, at his or her discretion, may be recertified for another five year period by choosing~~
6 ~~one of the following options:~~ **ADOPTION BY REFERENCE:** ~~]The North Carolina Structural Pest Control~~
7 ~~Committee, hereby [adopts]incorporates by reference for all Certified Applicators, Part 171.107 “Standards for~~
8 ~~recertification of commercial applicators” of Title 40: Protection of Environment of the Code of Federal Regulations,~~
9 ~~titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use~~
10 ~~Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S.~~
11 ~~Government Printing Office website, <http://www.gpo.gov/>.~~

12 (1) ~~reexamination taken between January 1, prior to the expiration of the five year recertification period,~~
13 ~~and June 30;~~

14 (2) ~~for recertification after July 1, 2002: earning Continuing Certification Units during the five years~~
15 ~~immediately preceding the expiration date of his certification. The number of CCUs required shall~~
16 ~~be as follows:~~

17 (A) ~~recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to~~
18 ~~the phase in which recertification is desired;~~

19 (B) ~~recertification in any two phases: 15 CCUs total, five of which shall be solely applicable~~
20 ~~to the first phase and five solely applicable to the second phase in which recertification is~~
21 ~~desired;~~

22 (C) ~~recertification in all three phases: 20 CCUs total, five of which shall be solely applicable~~
23 ~~to the first phase, five solely applicable to the second phase, and five solely applicable to~~
24 ~~the third phase in which recertification is desired;~~

25 (D) ~~licensees and noncommercial certified applicators shall earn at least one of the required~~
26 ~~continuing certification units established in Subparagraph (a)(3) of this Rule in at least four~~
27 ~~years of the five year recertification period;~~

28 (E) ~~commercial certified applicators shall earn at least one of the required continuing~~
29 ~~certification units established in Subparagraph (a)(3) of this Rule in at least three years of~~
30 ~~the five year recertification period;~~

31 (F) ~~continuing certification units shall not be carried forward beyond the five year~~
32 ~~recertification period.~~

33 (b) ~~Licensees holding an inactive license shall be subject to the requirements of this Rule.~~ Certified applicators and
34 licensees shall be certified for a five-year period. At the end of said five-year period, a certified applicator or licensee,
35 at his or her discretion, may be recertified for another five-year period by choosing one of the following options:

36 (1) Reexamination taken between January 1, prior to the expiration of the five-year recertification
37 period, and June 30; or

1 (2) For recertification after July 1, 2002: earning ~~[continuing certification units]~~ Continuing
2 Certification Units (CCUs) during the five years immediately preceding the expiration date of [his
3 certification, and] his or her certification; the number of CCUs required shall be as follows:

4 (A) recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to
5 the phase in which recertification is desired;

6 (B) recertification in any two phases: 15 CCUs total, five of which shall be solely applicable
7 to the first phase and five solely applicable to the second phase in which recertification is
8 desired;

9 (C) recertification in all three phases: 20 CCUs total, five of which shall be solely applicable
10 to the first phase, five solely applicable to the second phase, and five solely applicable to
11 the third phase in which recertification is desired;

12 (D) licensees and noncommercial certified applicators shall earn at least one of the required
13 continuing certification units established in Subparagraph (b)(2) of this Rule in at least four
14 years of the five- year recertification period;

15 (E) commercial certified applicators shall earn at least one of the required continuing
16 certification units established in Subparagraph (b)(2) of this Rule in at least three years of
17 the five-year recertification period; and

18 (F) continuing certification units shall not be carried forward beyond the five-year
19 recertification period.

20 (c) Licensees holding an inactive license shall be subject to the requirements of this rule.

21
22 *History Note: Authority G.S. 106-65.29;*

23 *Eff. July 1, 1976;*

24 *Readopted Eff. November 22, 1977;*

25 *Amended Eff. July 1, 1998; January 1, 1989; August 1, 1980;*

26 *Readopted Eff. June 1, 2020.*

27 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0313 is amended with changes as published in 39:01 NCR 11-12 as follows:

2
3 **02 NCAC 34 .0313 REGISTERED TECHNICIAN'S IDENTIFICATION CARDS/TRAINING**
4 **MATERIALS**

5 (a) A registered technician's identification card shall contain, but not be limited to, the following information:

- 6 (1) name of registrant;
- 7 (2) name of licensee or employer;
- 8 (3) name of licensee's company;
- 9 (4) address of licensee's company;
- 10 (5) license number and phase(s) of licensee;
- 11 (6) age, weight, height, color of ~~hair~~hair, and eyes of registrant;
- 12 (7) job classification of card ~~holder;~~holder; and
- 13 (8) issuance date, expiration date, and license year covered by card.

14 (b) The registered technician's identification card and the license of the employer of the card holder shall bear the
15 same license number and license phase(s). Each registered technician's identification card shall bear only one license
16 number, one company name, and not more than three license phases.

17 (c) A licensee or noncommercial certified applicator applying for the issuance or renewal of a registered technician's
18 identification card for his or her employee shall certify to the Structural Pest Control and Pesticides Division that the
19 employee meets all the minimum requirements [as]set forth in [02 NCAC 34 .0101(b)(4)(A)]02 NCAC 34
20 .0101(b)(4)(B) and has completed employee training approved by the Structural Pest Control Committee in structural
21 pest control work.

22 (d) All individuals who make applicationapply for the issuance, not renewal, of registered technician's identification
23 cards after January 1, 1999, shall complete the following training, or its equivalent, or a program approved by the
24 Division that meets the minimum requirements set out in this Rule, before becoming eligible for the identification
25 card:

- 26 (1) Introductory Training:
 - 27 (A) Introductory training shall include completion of the workbook, Introductory Training for
28 Registered Technicians; and
 - 29 (B) A minimum of 24 hours of on-the-job training in applicable phases of structural pest
30 control by ~~the~~ licensee, certified applicator, or registered technician having at least two
31 years of experience.
- 32 (2) On-the-job training involving the equipment, methods,~~methods~~ and materials the employee will use
33 in the day-to-day performance of his~~his or her~~ duties.
- 34 (3) The North Carolina Structural Pest Control Registered Technician School. A fee of twenty-five
35 dollars (\$25.00) shall be charged for each employee attending the Registered Technician School.

36 (e) Training materials and records shall be made available for inspection during regular business hours upon request
37 by the Division and shall be retained two years beyond the last date of the individual's employment.

1 (f) Introductory training shall be completed before the employee is permitted to mix or apply pesticides without the
2 on-site supervision of a registered technician, certified applicator, or licensee.

3 (g) Registered technicians shall complete an annual training in the safe operation of any equipment he or
4 she will use for mixing, loading, transferring, or applying pesticides.

5 (1) The person who conducts this training must meet one of the following criteria:

6 (A) Be currently licensed or certified in the phase that the technician is to be registered;

7 or

8 (B) Be currently designated as a trainer of registered technicians by the committee or
9 the director.

10

11 *History Note: Authority G.S. 106-65.29;*

12 *Eff. July 1, 1976;*

13 *Readopted Eff. November 22, 1977;*

14 *Amended Eff. July 1, 1998; August 3, 1992: January 1, 1991; December 1, 1987;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
16 *22, 2018.*

17 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0327 is amended with changes as published in 39:01 NCR 12 as follows:

2

3 **02 NCAC 34 .0327 LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18**

4 No license ~~certificate or certificate~~, certified applicator's identification card ~~or~~ or, registered technician's identification
5 ~~card~~ card, shall be issued to any person who is less than 18 years old.

6

7 *History Note: Authority G.S. 106-65.29;*

8 *Eff. July 1, 1976;*

9 *Readopted Eff. November 22, 1977;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
11 *22, 2018.*

12 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0604 is amended with changes as published in 39:01 NCR 12-13 as follows:

2
3 **02 NCAC 34 .0604 WOOD-DESTROYING ORGANISMS RECORDS**

4 (a) A duplicate of each written agreement and waiver (if applicable) for the control or prevention of any
5 wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the
6 written agreement. The duplicate of each written agreement shall contain, in addition to the information specified
7 under 02 NCAC 34 .0605, the following:

- 8 (1) EPA approved brand name of ~~pesticide~~all pesticides used;
- 9 (2) Names of all employees who applied ~~pesticide;~~a pesticide;
- 10 (3) ~~Information required by EPA;~~All record keeping requirements required by the EPA under 40
11 CFR Part 171.303(b)(7)(vi);
- 12 (4) For restricted use pesticides, as defined in G.S. 106-65.24(21), the concentration and approximate
13 total volume of each pesticide applied. For restricted use pesticides, this information, along with the
14 information required by Subparagraphs (a)(1) and (2) of this ~~Rule~~Rule, shall also be included on the
15 customer's copy of the written agreement; and
- 16 (5) ~~In addition, for~~For all treatments performed pursuant to 02 NCAC 34 ~~.0505.~~.0503, .0505, or .0506,
17 the following records shall be made and maintained:
 - 18 (A) the date of each termiticide application;
 - 19 (B) the portion or portions of the structure treated;
 - 20 (C) the approximate volume of termiticide applied during each treatment; and
 - 21 (D) the concentration at which the termiticide is applied.

22 (b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for
23 a minimum of two years beyond the date of issuance.

24 (c) Noncommercial certified applicators shall maintain the following records for two years beyond the last date of
25 treatment:

- 26 (1) EPA approved brand name of all pesticides used;
- 27 (2) Concentration and approximate total volume of ~~pesticide~~pesticides applied;
- 28 (3) Names of all employees that applied ~~pesticide;~~pesticides;
- 29 (4) Target pest;
- 30 (5) Site of application;
- 31 (6) Date of application; and
- 32 (7) ~~Information required by EPA;~~All record keeping requirements required by the EPA under 40
33 CFR Part 171.303(b)(7)(vi).

34 (d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting
35 for the pest to be controlled, the licensee, certified applicator, or their employees shall make and maintain records of
36 all such inspection or monitoring activities. Such records shall be made available for inspection as provided ~~for~~in 02
37 NCAC 34 .0328.

1 (e) For all treatments performed pursuant to 02 NCAC 34 .0505 or .0506, the licensee shall place, or cause to be
2 placed, a record of treatment in the permit box or, if no box exists, with the building permit on the job site. The
3 treatment record shall be on a form prescribed by the ~~Division~~Division, which can be found at
4 <https://www.ncagr.gov/divisions/structural-pest-control-and-pesticides/structural/forms> and shall include ~~at least~~ the
5 following information:

- 6 (1) Date of application(s);
- 7 (2) Specific area(s) treated during each application;
- 8 (3) Name of termiticide applied;
- 9 (4) Approximate volume of termiticide applied; and
- 10 (5) Date of final treatment.

11
12 *History Note: Authority G.S. 106-65.29;*
13 *Eff. July 1, 1976;*
14 *Readopted Eff. November 22, 1977;*
15 *Amended Eff. August 3, 1992; January 1, 1989; August 1, 1980;*
16 *Temporary Amendment Eff. January 10, 1997;*
17 *Temporary Amendment Expired Eff. October 31, 1997;*
18 *Amended Eff. July 1, 2004; August 1, 2002; July 1, 1998;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
20 *22, 2018.*
21 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0703 is amended with changes as published in 39:01 NCR 13 as follows:

2
3 **02 NCAC 34 .0703 WRITTEN RECORDS OF HOUSEHOLD PEST CONTROL**

4 (a) Written records on the treatment for the control of all household pests shall be maintained by the licensee and
5 made available for inspection at any time during regular business hours upon request from the Structural Pest Control
6 and Pesticides Division. Such records shall include the following information:

- 7 (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- 8 (2) Name and address of the company represented by the certified applicator or licenseelicensee, or
9 their authorized representativesrepresentatives, and the license number of the licensee responsible
10 for the treatment;
- 11 (3) Address(es) of property(ies) treated, type(s) of treatment(s), and date(s) treatment(s) performed;
- 12 (4) Common name(s) of pest(s) to be controlled or covered by the initial agreement or any subsequent
13 treatments;
- 14 (5) The EPA approved brand name of pesticideall pesticides used;
- 15 ~~(6) Information required by EPA;~~
- 16 ~~(6) All record keeping requirements required by the EPA under 40 CFR Part 171 .0303(b)(7)(vi);~~
- 17 (7) Name of licensee, certified applicator, or registered technician making the application; and
- 18 (8) For "restricted use pesticides," as defined in G.S. 106-65.24(21), the information required by
19 Subparagraphs (a)(5), (a)(6), and (a)(7) of this Rule shall also be included on the customer's copy
20 of the written agreement or service record.

21 (b) Noncommercial certified applicators shall maintain and make available for inspection the following records of
22 pesticides applied:

- 23 (1) EPA approved brand name of all pesticides applied;
- 24 (2) Target pest(s);
- 25 (3) Site of application;
- 26 (4) Date of application;
- 27 (5) Name of certified applicator or registered technician making the application; and
- 28 (6) ~~Information required by EPA.~~ All record keeping requirements required by EPA under 40 CFR Part
29 171.303(b)(7)(vi).

30 (c) Records shall be retained for two years beyond the last date of treatment.

31
32 *History Note: Authority G.S. 106-65.29;*

33 *Eff. July 1, 1976;*

34 *Readopted Eff. November 22, 1977;*

35 *Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

36 *Readopted Eff. June 1, 2020.*

37 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0803 is amended with changes as published in 39:01 NCR 13-14 as follows:

02 NCAC 34 .0803 WRITTEN RECORDS OF FUMIGATION

(a) Written records shall be maintained on all fumigation operations and be made available for inspection, upon request, by the enforcement agency or Structural Pest Control Committee anytime during regular business hours. Such records shall include the following information for each fumigation performed:

- (1) Name(s) and address(es) of the property owner(s) or his his or her authorized representative(s);
- (2) Name and address of the company represented by the licensee or certified applicator applicator, or their authorized representative representative, and the license number of the licensee responsible for the treatment;
- (3) Address of property(ies) to be fumigated;
- (4) Common name(s) of pest(s) to be fumigated;
- (5) EPA approved common name of fumigant used;
- (6) EPA registration number of fumigant applied;
- (7) If a restricted use pesticide is used, as defined by G.S. 106-65.24(21), ~~that information required by EPA;~~ all record keeping information required by the EPA under 40 CFR Part 171.303(b)(7)(vi);
- (8) ~~Total amount of fumigant applied;~~ Date and time of application;
- (9) ~~Name of licensee or certified applicator performing the fumigation;~~ Total amount of fumigant applied;
- (10) ~~For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customer's copy of the written agreement or service record;~~ Name of licensee or certified applicator performing the fumigation;
- (11) ~~If the pest to be fumigated is a wood-destroying organism, all of 02 NCAC 34 .0605 shall be followed.~~ For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customers copy of the written agreement or service record; and
- (12) ~~If the pest to be fumigated is a wood-destroying organism, all~~ the requirements ~~of 02 NCAC 34 .0605 shall be followed.~~

(b) Noncommercial certified applicators shall maintain the following records of pesticides applied:

- (1) EPA approved brand name of all fumigants applied;
- (2) EPA registration number of fumigant applied;
- (3) Total amount of fumigant applied;
- (4) Name of certified applicator performing the fumigation;
- (5) Target pest(s);
- (6) Site of application;
- (7) Date and time of application; and
- (8) ~~Any information required by EPA.~~ All record keeping information required by the EPA under 40

1 CFR Part 171.303(b)(7)(vi).

2 (c) Records must be retained for two years beyond the last date of treatment or the expiration of the written agreement,
3 if applicable.

4
5 *History Note: Authority G.S. 106-65.29;*

6 *Eff. July 1, 1976;*

7 *Readopted Eff. November 22, 1977;*

8 *Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
10 *22, 2018.*

11 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0902 is amended with changes as published in 39:01 NCR 14 as follows:

2
3 **02 NCAC 34 .0902 FINANCIAL RESPONSIBILITY**

4 (a) A licensee shall obtain and maintain ~~financial responsibility in the form of~~ a general liability insurance policy
5 which covers structural pest control operations in progress and completed structural pest control operations. The
6 insurance policy must provide coverage for all employees that work for the licensee. If an insurance policy is issued
7 to a structural pest control company that employs more than one licensee and the policy otherwise meets the standard
8 set forth in this Rule, all licensees employed by the structural pest control company will be deemed to have insurance.

9 (b) The insurance policy required in Paragraph (a) of this Rule must provide the following minimum coverage:

- 10 (1) Single limit
11 Property Damage \$100,000 Each Occurrence
12 Bodily Injury \$300,000 Each Occurrence
13 (2) Combined single limit \$300,000 Each Occurrence

14 (c) Each applicant for a license in any phase of structural pest control shall show evidence of ~~his~~ his or her financial
15 ability to the Structural Pest Control Division to ~~properly~~ indemnify persons ~~suffering from~~ adversely affected by the
16 use or application of pesticides in the form of a Certificate of Insurance completed by the insurance company with the
17 Division named as a certificate holder.

18 (d) The Certificate of Insurance shall ~~clearly~~ set forth the type of coverage, limits of liability, and any exclusions of
19 the policy and shall have an endorsement attached ~~an endorsement~~ which indicates that the policy provides coverage
20 for any pollution or contamination occurring as a result of the use or application of any pesticide ~~pesticide~~, or shall
21 state that such an endorsement has been issued with the policy.

22 (e) The license applicant shall be responsible for the submission of the Certificate of Insurance to the Division as
23 specified in Paragraphs (c) and (d) of this Rule. No license shall be issued, reissued, or renewed until said Certificate
24 of Insurance is received by the Division.

25 (f) The insurance policy(s) shall be with companies licensed, or otherwise approved to do business in North Carolina,
26 by the NC Department of Insurance. The insurance policy shall be in full force and effect during the entire period
27 covered by the license certificate. The license shall expire upon:

- 28 (1) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph
29 (b) of this Rule;
30 (2) cancellation of the policy; or
31 (3) expiration of the policy.

32 Such expired license shall be reinstated only upon ~~satisfactory proof~~ submission to the Division that the licensee has
33 obtained the required Certificate of Insurance from the insurer, financial responsibility coverage, as required in this
34 Rule.

35 (g) The licensee shall give the Division at least 10 days notice prior to the occurrence of the following:

- 36 (1) cancellation of the policy;
37 (2) material change in the policy; or

1 (3) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph
2 (b) of this Rule.

3 (h) No structural pest control license shall be issued to any person ~~where there exists~~when an outstanding and unpaid
4 final judgment exists against said person resulting from any ~~civil suit arising out of~~ damages suffered by a plaintiff as
5 the result of a misuse of a pesticide by said person. Any current and valid structural pest control license shall become
6 null and void 180 days following the imposition of a final judgment awarding damages to any plaintiff resulting from
7 a civil suit arising out of losses suffered as the result of a pesticide misuse by the holder of said license~~license~~, unless
8 the final judgment is settled in full within said 180 days.

9 (i) Paragraphs (a) through (g) of this Rule shall not apply to any person holding an inactive license~~license~~, as defined
10 by ~~2 NCAC 34 .0102(30)~~02 NCAC 34 .0102(31).

11
12 *History Note: Authority G.S. 106-65.37;*

13 *Eff. July 1, 1976;*

14 *Readopted Eff. November 22, 1977;*

15 *Amended Eff. July 1, 1998; November 2, 1992; January 1, 1989; August 1, 1983; August 1, 1980;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
17 *22, 2018.*

18 *Amended Eff. February 1, 2025.*

Burgos, Alexander N

Subject: FW: RRC Meeting-January 2025

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Friday, January 10, 2025 7:32 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Meeting-January 2025

Thank you Mr. Wiggs! I will get these sent to OAH immediately.

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, January 10, 2025 12:21 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Meeting-January 2025

Ms. Hayworth,

I intend to recommend to the RRC that the final revised rules be approved at the January 30th meeting. Please submit the revised rules via email to oah.rules@oah.nc.gov no later than 5pm on January 22, 2025. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: RRC Meeting-January 2025
Attachments: 02 NCAC 34 .0101.docx; 02 NCAC 34 .0302.docx; 02 NCAC 34 .0309.docx; 02 NCAC 34 .0313.docx; 02 NCAC 34 .0327.docx; 02 NCAC 34 .0604.docx; 02 NCAC 34 .0703.docx; 02 NCAC 34 .0803.docx; 02 NCAC 34 .0902.docx; 1_2025_Structural Pest Control Committee-Request for Technical Changes_ncdacs response.docx; RE_ Website notice for proposed rules.pdf; 02 NCAC 34 .0703.docx

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Thursday, January 9, 2025 4:57 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Meeting-January 2025

Good afternoon Mr. Wiggs,

See attached language and responses for the technical corrections requested.

If you have any questions or need any additional information, please let me know.

Thank you,

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0101

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? If so, are you able to provide any evidence to prove compliance with the posting requirements? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (a)(1), line 9, "faithfully and honestly" is ambiguous and unnecessary. Please delete. – **Changes made.***

*In (a)(2), all of line 11 is superfluous. Please delete it and begin the sentence with "Licensed...". – **Changes made.***

*In (a)(3), line 14, "satisfactory" is unclear and amorphous. Please delete. – **Changes made.***

*In (b)(1), line 19, where can the regulated public find "the current label registrations of federal and State of North Carolina agencies responsible for making such registrations?" Please cross-reference or incorporate by reference where this information can be found. – **Changes made.***

*In (b)(2), lines 22-23, where can the regulated public find "all federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide containers?" Please cross-reference or incorporate by reference where this information can be found. – **Changes made.***

*In (b)(3), add a comma after "operators" and after "agents". – **Changes made.***

*Also, in line 26, please spell out which "Division" and "Committee" you are referring to and make this clear throughout all the rules. – **Changes made.***

*In (4)(A), what is “Adoption by Reference” and why is it in all caps? Did you mean incorporation by reference pursuant to 150B-21.6? If so, in line 29, replace “adopts” with “incorporates”. You don’t need to add the title “Incorporation by Reference”, just implement the requirements of 150B-21.6 into the rule. – **Changes made.***

*On pg. 2, in (B)(i), consider adding “all the” after “completed”. – **Changes made.***

*In (B)(ii), line 8, I don’t see where subsection “(g)” exists in the cited Rule. Is this a typo? – **Response below.***

This is not a typo, this is a new section which was added.

*In (C), line 11, please change “the section” to “this Subpart”. – **Changes made.***

*In (C)(ii), line 17, please add “(PPE)” after “equipment”. – **Changes made.***

*In (C)(iii), line 24, please replace “&” with “and”. – **Changes made.***

*In (C)(iii) line 25, please consider inserting a period after “uses”. Delete “and” to start the new sentence with “This includes”. – **Changes made.***

*In (C)(iv), lines 36-37, add a comma after “condition” and after “manufacturer”. Also, delete “reasonably” as it’s unclear and ambiguous. – **Changes made.***

*On pg. 3, (5), line 10, add “02” to the beginning of the cited Rule. – **Changes made.***

*In the History Note for all these rules, please include the desired effective date at the bottom. – **Changes made.***

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0302

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (a)(1), line 5, what is the "regular form?" Are its contents or substantive requirements in rule in accordance with G.S. 150B-2(8a)(d)? – **Changes made.***

*In (a)(1), does the Division have statutory authority to prescribe the "regular form?" – **Changes made.***

*At line 6, do you mean "may" or "shall?" – **Response below.***

'Shall,' as applications that do not meet the criteria are not approved.

*In (a)(2), under what circumstances is an application approved? Who makes this determination? What factors are considered? – **Changes made.***

*At line 9, what are the "necessary forms?" Are the contents or substantive requirements of the forms in rule in accordance with G.S. 150B-2(8a)(d)? – **Changes made.***

*In (a)(5), line 17, what documents are you referring to? – **Changes made.***

*At line 18, what circumstances "shall permit" such documents to be withdrawn? What factors are considered? Page 2, (b)(3), line 22 has similar language but includes "at its discretion". Please clarify. – **Changes made.***

*In (a)(7), please define "unauthorized assistance." – **Changes made.***

At line 36, who are the Committee's "authorized representatives?" – **Changes made.**

On pg. 2, lines 2 and 17, what investigations does the Committee "deem necessary?" How does the Committee make this determination? What factors are considered? – **Changes made.**

In (b)(1), does the Division have statutory authority to prescribe the form? – **Changes made.**

At line 16, who are the Committee's "authorized representatives?" – **Changes made.**

At line 17, what investigations are "deemed necessary?" What factors are considered? – **Changes made.**

At line 22, do you mean "may" or "shall?" If you mean "may" under what circumstances may the documents be withdrawn? – **Changes made.**

In (b)(4), did you mean incorporation by reference pursuant to 150B-21.6? If so, in line 27, replace "adopts" with "incorporates". You don't need to add the title "Incorporation by Reference", just implement the requirements of 150B-21.6 into the rule. – **Changes made.**

In (b)(4)(A), line 34, replace "&" with "and". Also, please insert the statute for the "NC Structural Pest Control Law". – **Changes made.**

On pg. 3, line 2, add a comma after "problems". – **Changes made.**

At line 8, add a comma after "products". – **Changes made.**

At line 9, add a comma after "under" and insert "and" before "in". – **Changes made.**

At line 16, add a comma after "soil". – **Changes made.**

On pg. 4, at line 4, add a comma after "examination". – **Changes made.**

At line 29, what does it mean for an applicant to "intend to succeed" the deceased licensee? Who falls into this category? – **Response below.**

In the event of the unexpected passing of a licensee, a certified applicator may be granted additional leniency by being allowed a third consecutive exam attempt. This is not uncommon in the industry, and is considered standard practice.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0309

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (b)(4), did you mean incorporation by reference pursuant to 150B-21.6? If so, in line 27, replace "adopts" with "incorporates". You don't need to add the title "Incorporation by Reference", just implement the requirements of 150B-21.6 into the rule. – **Changes made.***

*On pg. 2, line 1, please capitalize "continuing certification units" and add "(CCUs)" at the end. – **Changes made.***

*At line 2, add "or her" after "his". Also, consider replacing the comma after "certification" with a semicolon and delete "and". – **Changes made.***

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0313

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (a), line 11, add a comma after "hair". At line 12, add "and" after the semicolon. – **Changes made.***

*In (c), line 18, how does the employer "certify to the Division" an employee meets all the requirements? – **Response below.***

The employer signs an attestation that all information submitted on the application is true to the best of their knowledge.

*At line 19, consider deleting "as" before "set". – **Changes made.***

*Also, did you intend to use "(A)" in the cited Rule? It appears "(B)" is more appropriate. – **Changes made.***

*In (d), line 21, what does it mean to "make application"? – **Changes made.***

*At line 22, what is meant by "or its equivalent"? What does this entail? – **Changes made.***

*At line 28, replace "the" with "a" before "licensee". – **Changes made.***

*At line 31, add "or her" after "his". – **Changes made.***

*In (e), line 35, why would the “Division” request the training materials? Wouldn’t the employee or trainee request the training materials? – **Response below.***

The Division may request training materials to determine compliance with the training requirements during a routine inspection or investigation.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0327

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*At line 4, consider replacing the first "or" with a comma and adding a comma after the first "card". – **Changes made.***

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0604

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (a)(1), line 8, consider adding "each" or "all" before "pesticides(s)". – **Changes made.***

*At line 9, consider adding "a" before "pesticide". – **Changes made.***

*At line 10, consider adding "the" before "EPA". – **Changes made.***

*In (a)(4), line 12, please cross reference where the definition of "restricted used pesticides" can be found (G.S. 106-65.24(21)). – **Changes made.***

*At line 14, add a comma after "Rule". – **Changes made.***

*In (5), please delete "In addition," to start the sentence with "For ..."- **Changes made.***

*In (c), line 27, add an "s" to the end of "pesticide". – **Changes made.***

*At line 28, add an "s" to the end of "pesticide". – **Changes made.***

*At line 32, add "the" before "EPA". – **Changes made.***

*At line 36, delete "for" after "provided". – **Changes made.***

On pg. 2, line 3, how does the regulated public obtain a copy of the “form prescribed”? – **Changes made.**

Also, please delete “at least”. – **Changes made.**

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0703

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*In (a)(2), line 8, please add "the" before "company" and add a comma after "licensee". – **Changes made.***

*At line 9, add a comma after "representatives" and add "the" before "licensee." – **Changes made.***

*In (5), consider adding "each" or "all" before "pesticide(s)." – **Changes made.***

*At line 15, add "the" before "EPA". – **Changes made.***

*In (b)(6), add "the" before "EPA." – **Changes made.***

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC 34 .0803

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*At line 5, please spell out which "Committee" you're referring to the first time it's used in a rule. – **Changes made.***

*In (a)(1), line 7, add "or her" after "his". – **Changes made.***

*At line 8, add "the" before company and add a comma after "applicator". At line 9, add a comma after "representative." – **Changes made.***

*In (a)(7), line 14, please cross reference where the definition of "restricted used pesticides" can be found (G.S. 106-65.24(21)). – **Changes made.***

*Also, line 15, add "the" before "EPA." – **Changes made.***

*In (a)(12), consider adding "the requirements under" before "02 NCAC...". – **Changes made.***

*In (b)(8), line 36, add "the" before "EPA." – **Changes made.***

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

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency: January 3, 2025

REQUEST FOR TECHNICAL CHANGE

AGENCY: Structural Pest Control Committee

RULE CITATION: 02 NCAC .0902

DEADLINE FOR RECEIPT: January 17, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on your agency's website no later than July 1, 2024? – **Response below.***

Apologies, this was a simple typo. Yes, the notice was posted to the agency website on June 10th, 2024 at [Legal Affairs - Proposed Rules | NC Agriculture](#). The posting is still up on the agency website, and communication verifying the date that it was posted is attached.

*At line 4, please delete "financial responsibility in the form of" as it appears unnecessary. – **Changes made.***

*At line 5, consider adding "pesticide" before "operations." – **Changes made.***

*At lines 5-6, must part-time employees be covered by the insurance policy? – **Response below.***

Yes, it applies to all employees, part and full-time.

*In (c), line 14, to whom shall the applicant "show evidence" of financial ability? – **Changes made.***

*At line 15, please delete "properly" as it's vague. Also, what is the purpose of the word "suffering"? Is it necessary or can it be defined? – **Changes made.***

*In (d), line 17, please delete "clearly" as it's vague. – **Changes made.***

*At line 18, consider moving "an endorsement" to before "attached" for clarity. – **Changes made.***

*At line 19, add a comma after "pesticide". – **Changes made.***

*In (f), line 31, what criteria or factors are used to determine "satisfactory proof"? – **Changes made.***

On pg. 2, (h), lines 1-2, consider replacing “where there exists” with “when” and add “exists” after “judgment”. – **Changes made.**

At line 2, consider deleting “civil suit arising out”. – **Changes made.**

At line 6, add a comma after “license”. – **Changes made.**

At line 7, add a comma after “license”. – **Changes made.**

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

From: [Turner, Kathy L](#)
To: [Hayworth, Anna](#)
Subject: RE: Website notice for proposed rules
Date: Monday, June 10, 2024 3:41:43 PM

Hi Anna,

This has been added.

Thanks,

Kathy Turner
Executive Assistant
Legal Affairs
North Carolina Department of Agriculture and Consumer Services
1001 Mail Service Center
Raleigh, NC 27699-1001
Office: 919-707-3011

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Monday, June 10, 2024 1:54 PM
To: Turner, Kathy L <kathy.turner@ncagr.gov>
Subject: Website notice for proposed rules

Good afternoon Kathy,

Under the proposed rules tab for Legal Affairs on the NCDA&CS website, I need to add a new line with the attached document:

Proposed amendments – NC Structural Pest Control Committee, 02 NCAC 34

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

02 NCAC 34 .0101 is amended with changes as published in 39:01 NCR 6-8 as follows:

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

SECTION .0100 - INTRODUCTION AND DEFINITIONS

02 NCAC 34 .0101 GENERAL DUTIES

(a) Applicable to licensees only:

- (1) All licensed structural pest control operators shall ~~faithfully and honestly~~ carry out the provisions and terms of all contracts into which they enter for the control of structural pests.
- (2) ~~In addition to following all minimum requirements outlined in the rules and regulations herein, licensed~~ Licensed structural pest control operators shall be responsible for obtaining satisfactory control of all insects, rodents, fungi, or other pests indicated in the control agreement(s).
- (3) Licensed structural pest control operators shall be responsible for obtaining ~~satisfactory~~ control of active infestations of pests for which control agreements were entered into prior to July 1, 1955, if contracts covering said agreements are currently effective.

(b) Applicable to both licensees and certified applicators:

- (1) The methods and materials used in structural pest control procedures shall be in accordance with the current label registrations of federal and State of North Carolina agencies responsible for making such ~~registrations~~ registrations, which can be found at the EPA's Pesticide Product and Label system website, <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.
- (2) The possession, usage, application, storage, and disposal of all pesticides and all pesticide containers shall be in conformity with all ~~current label registrations~~, federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide ~~containers~~ containers, as set forth in 02 NCAC 34 .0407 and .0408.
- (3) Licensed structural pest control ~~operators~~ operators, or their authorized ~~agents~~ agents, and certified applicators shall maintain at their business location(s) copies of current registered labels for all pesticides used. Such labels shall be made available for inspection upon request of the ~~Division of the Committee~~ Structural Pest Control and Pesticides Division, or the Structural Pest Control Committee.
- (4) Requirements for direct supervision of registered technicians by licensed or certified applicators are as follows:

(A) ~~[ADOPTION BY REFERENCE:]~~ The North Carolina Structural Pest Control Committee hereby ~~[adopts]~~ incorporates by reference for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B— Certification Requirements for Applicators of Restricted Use Pesticides" including

1 subsequent amendments. Copies of this material may be obtained at no cost from the U.S.
2 Government Printing Office website, <http://www.gpo.gov/>.

3 (B) Before any registered technician may use any pesticide under the direct supervision of the
4 licensed or certified applicator, the supervising licensed or certified applicator must ensure
5 that the registered technician has met all of the following qualifications:

6 (i) The registered technician has completed all the training requirements under 02
7 NCAC 34 .0313;

8 (ii) The registered technician has been instructed within the last 12 months in the safe
9 operation of any equipment he or she will use for mixing, loading, transferring, or
10 applying pesticides as required under 02 NCAC 34 .0313(g); and

11 (iii) The registered technician is at least 18 years old.

12 (C) Use-specific conditions that must be met in order for a registered technician to use any
13 pesticide are outlined in ~~the section.~~ this Subpart. The licensed or certified applicator must
14 ensure that all of the following requirements are met before allowing a registered technician
15 to use any pesticide under his or her direct supervision:

16 (i) The licensed or certified applicator must ensure that the registered technician has
17 access to the applicable product labeling at all times during its use.

18 (ii) The licensed or certified applicator must provide the registered technician with all
19 personal protective equipment (PPE) required by the labeling of any pesticide
20 used and through training, documentation, or supervision, ensure that the PPE is
21 being worn and used correctly for its intended purpose.

22 (iii) The licensed or certified applicator must provide to each registered technician,
23 through training, the tools needed to analyze a site prior to an application being
24 made and understand when it is necessary to postpone an application until the
25 supervising licensed or certified applicator be contacted for input. This training
26 must include reading ~~&~~and understanding labeling directions, precautions, and
27 requirements applicable to various sites and uses. ~~uses, and~~ This includes how the
28 characteristics of a use site (e.g., structural pest identification, damage assessment,
29 construction type, control/management options, as well as other factors which
30 could impact any pesticide application decision such as surface and ground water,
31 runoff potential, soil type, weather forecast, endangered species, local population)
32 and the conditions of application (e.g. equipment, method of application,
33 formulation) might increase or decrease the risk of adverse effects. The licensed
34 or certified applicator must provide this information in a manner that the
35 registered technician can understand.

36 (iv) The licensed or certified applicator must, through training, documentation, or
37 inspections, ensure that before each day of use, equipment used for mixing,

1 loading, transferring, or applying pesticides is in proper operating
2 ~~condition~~ condition, as intended by the ~~manufacturer~~ manufacturer, and can be
3 used without risk of ~~reasonably~~ foreseeable adverse effects to the registered
4 technician, other persons, or the environment.

5 (v) The licensed or certified applicator must ensure that a means to immediately
6 communicate with the licensed or certified applicator has been provided to each
7 registered technician using any pesticide under his or her direct supervision.

8 (vi) The licensed or certified applicator must be physically present at the use site, when
9 required by the product labeling

10 (5) Before any registered technician uses any pesticide under the direct supervision of the licensed or
11 certified applicator, the supervising licensed or certified applicator must ensure that the registered
12 technician has met all the requirements and been trained in accordance with ~~2~~02 NCAC 34 .0313.

13 (6) All licensed or certified applicators must adhere to the following provisions of recordkeeping as
14 outlined in the following section and subsection.

15 (A) Prior to the registered technician using any pesticide, the licensed or certified applicator
16 must create or verify the existence of records documenting that each registered technician
17 has met the qualifications required in Subparagraph (b)(5) of this Rule. For each registered
18 technician, the records must contain the information as provided in Part (b)(6)(B) of this
19 Rule.

20 (B) The record must contain all of the following information:

21 (i) The registered technician's printed name and signature;

22 (ii) The date the training requirement in Subparagraph (b)(5) of this Rule was
23 completed;

24 (iii) The name of the person who provided the training; and

25 (iv) The title or a description of the training provided.

26 (C) The licensed or certified applicator supervising any registered technician must have access
27 to records documenting the information required in Part (b)(6)(A) of this Rule at the
28 licensed applicator's principal place of business for two years from the date the registered
29 technician uses the pesticide.

30
31 *History Note: Authority G.S. 106-65.29;*

32 *Eff. July 1, 1976;*

33 *Readopted Eff. November 22, 1977;*

34 *Amended Eff. August 3, 1992; August 1, 1980;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
36 *22, 2018.*

37 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0302 is amended with changes as published in 39:01 NCR 8-10 as follows:

02 NCAC 34 .0302 APPLICATION FOR LICENSES AND CARDS: EXAMINATION

(a) Application for licenses under the provisions of G.S. 106-65.26(a) and (c):

(1) Application for examination shall be on a regular application form prescribed by the Division, Structural Pest Control and Pesticides Division, the requirements of the application which are set forth in G.S. 106-65.26. The Committee shall approve applications if a complete application was submitted to the Division and all criteria under G.S. 106-65.26 has been met. The application form shall include all information set forth by this Rule, as well as in G.S. 106-65.26, and:

(A) the applicant's full name;

(B) the applicant's home address;

(C) the applicant's contact information, either a telephone number or a valid email address;

(D) the applicant's identifying information, including social security number, hair color, eye color, height, and weight; and

(E) the applicant's current and previous employer.

(2) After submission, the application shall be reviewed for completeness by the Division. Applications shall be approved or denied on the basis of criteria set forth by G.S. 106-65.26. Upon approval of the application for examination, the Structural Pest Control Committee secretary shall notify the applicant of said approval and provide the necessary form(s) for allow the applicant to pre-register for the examination as required in Paragraph (c) of this Rule.

(3) Applications to take the examination shall be either typed or printed in ink and sworn to before a notary public or some other official authorized by law to administer oaths.

(4) A high-resolution, full-face, head, and shoulder photograph of the applicant, taken within the preceding 12 months of the date of application, and not less than two and one-half inches square, shall be attached to the application.

(5) All applications to take the examination shall be retained by the office of the Committee secretary. All documents filed in support of an application shall be kept by the office of the Committee secretary; provided, however, that the Committee shall permit such documents to be withdrawn upon substitution of a true copy. Documents filed may include affidavits from homeowners or employers, evidence of a criminal background check, or educational transcripts and supporting documents. All examinations shall remain the property of the Committee.

(6) An applicant who fails to pass the license examination within 12 months of the approval of his or her application shall be required to provide current information concerning his or her qualifications to take the examination to ensure that the applicant is still qualified to take the examination.

(7) An applicant who gives or receives unauthorized assistance in answering test questions from anyone who is not employed by the Division during an examination shall be dismissed from the examination

1 and his or her markings or results shall be voided and said applicant's examination fee shall be
2 forfeited. Unauthorized assistance means any outside assistance that has not been previously
3 approved by the Division. SuchAny applicant using unauthorized assistance shall not be permitted
4 to take a reexamination for a period of six months from the date of the examination. Authorized
5 assistance approved by the Division shall include translation services, interpretation services, or
6 other needs required to adhere to The Americans with Disabilities Act (ADA).

7 (8) No person shall be admitted to the examination room except members of the Committee, the
8 attorney for the Committee, the examining personnel, employees of the Structural Pest Control
9 Division, and the applicants for licensure.

10 (9) Any applicant making a score of 70 percent or more on any license examination(s) shall be issued
11 a license in that phase(s) of structural pest control after submitting a completed application with all
12 required fees and insurance documents therefor.

13 (10) The applicant shall furnish the information required by G.S. 106-65.26 and this Rule to establish
14 that said applicant possesses qualifications as specified in G.S. 106-65.26 of the Act for the
15 particular license(s) which he or she seeks. The Committee ~~or its authorized representatives~~ the
16 Division may, based upon their review of the contents of an application, make ~~such~~ investigations
17 ~~as the Committee deems necessary~~ to review an applicant's qualifications.

18 (11) All applicants passing the examination(s) for licenses shall apply for said licenses within six months
19 from the date on which the examinations were taken. If such applicants fail to make application for
20 said licenses, within the specified period, such applicants shall be required to take and pass
21 reexaminations covering phases of structural pest control work for which licenses were applied
22 before said licenses are issued.

23 (12) If an applicant for a license fails an examination, he or she may review the examination at the next
24 scheduled review session.

25 (b) Application for certified applicator's identification card under the provisions of G.S. 106-65.26(a) and (b):

26 (1) Applications filed pursuant to G.S. 106-65.26(a) and (b) shall be on a form ~~prescribed by the~~
27 ~~Division~~ as set forth by G.S. 106-65.26.

28 (2) An applicant for a certified applicator's identification card in any phase of structural pest control
29 shall furnish information as specified in G.S. 106-65.26 of the Act to establish that said applicant
30 possesses qualifications for the particular certified applicator's identification card which he or she
31 seeks. The Committee or ~~the Division~~ its authorized representatives may, based upon their review of
32 the contents of an application, make ~~such~~ investigations ~~as it deems necessary~~ with respect to the
33 applicant's ~~qualifications~~ qualifications, to determine if they meet the criteria specified in G.S. 106-
34 65.26.

35 (3) All applications for certified applicator's identification cards under the provisions of G.S.
36 106-65.26(a) and (b) shall be retained by the office of the Committee secretary. All documents filed
37 in support of an application shall be kept by the office of the Committee ~~secretary~~ secretary;

1 ~~provided, however, that the Committee shall at its discretion permit such documents to be withdrawn~~
2 ~~upon substitution of a true copy.~~ All examinations shall remain the property of the Committee.

3 (4) Any applicant making a score of 70 percent or more on the core certification examination and on
4 any certified applicator's examination(s) shall be issued a certified applicator's identification card in
5 that phase of structural pest control after submitting a completed Division's Certified Applicator
6 Card application with required fees therefor. ~~ADOPTION BY REFERENCE:~~ The North Carolina
7 Structural Pest Control Committee, hereby [adopts] incorporates by reference for all Certified
8 Applicators, Part 171.103 (a) through (e) "Standards for certification of commercial applicators" of
9 Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of
10 Pesticide Applicators Subpart B-Certification Requirements for Applicators of Restricted Use
11 Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost
12 from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

13 (A) Industrial, Institutional [&] and Structural is the only federal category [regulated under the
14 NC Structural Pest Control [Law] Law, G.S. 106-65.25(a), and that category is divided into
15 three subcategory phases. The three subcategory phases and their subsequent competency
16 standards are detailed in this section.

17 (B) Household Pest Control: Applicators must demonstrate practical knowledge of household
18 pests, pest [problems] problems, and pests that are important vectors of disease, including
19 recognizing the pests and signs of their presence, their habitats, their life cycles, biology,
20 and behavior as it may be relevant to problem identification and control. The required
21 knowledge also includes how to minimize damage to, and contamination of areas treated,
22 acute and chronic exposure of people and pets, and non-target exposures.

23 (C) Wood-Destroying Organisms: Applicators must demonstrate a practical knowledge of
24 wood-destroying organisms which may devour or destroy wood, wood [products] products,
25 and other cellulose material in, on, [under in] under, and in contact with and around
26 structures, including recognizing these pests and signs of their presence, their life cycles,
27 biology, and behavior as it may be relevant to problem identification, treatment and control.
28 The required knowledge also includes how to minimize damage to, and contamination of
29 areas treated, acute and chronic exposure of people and pets, and non-target exposures.

30 (D) Fumigation (non-soil): Applicators must demonstrate practical knowledge of the pest
31 problems and pest control practices associated with performing fumigation applications of
32 restricted use pesticides to sites other than [soil] soil, such as enclosed spaces or structures,
33 including recognizing these pests and signs of their presence, their life cycles, biology, and
34 behavior as it may be relevant to problem identification, treatment, and control. The
35 required knowledge also includes how to minimize damage to, and contamination of areas
36 treated, acute and chronic exposure of people and pets, and non-target exposures.

- 1 (5) ~~All applicants passing the examination(s) for certified applicator's identification cards shall apply~~
2 ~~for said cards within six months from the date on which the examinations were taken. If such~~
3 ~~applicants fail to make application for said certified applicator's identification cards within the~~
4 ~~specified period, such applicants shall be required to take and satisfactorily pass reexaminations~~
5 ~~covering phases of structural pest control work for which certified applicator's identification cards~~
6 ~~were applied before said cards are issued.~~Any applicant making a score of 70 percent or more on
7 the core certification examination and on any certified applicator's examination(s) shall be issued a
8 certified applicator's identification card in that phase of structural pest control after submitting a
9 completed division's certified applicator card application with required fees therefor.
- 10 (6) ~~If an applicant fails to obtain a certified applicator's identification card within 12 months of passing~~
11 ~~the core examination the applicant shall take and pass a reexamination before being eligible for the~~
12 ~~card.~~All applicants passing the examination(s) for certified applicator's identification cards shall
13 apply for said cards within six months from the date on which the examinations were taken. If such
14 applicants fail to make application for said certified applicator's identification cards within the
15 specified period, such applicants shall be required to take and satisfactorily pass reexaminations
16 covering phases of structural pest control work for which certified applicator's identification cards
17 were applied before said cards are issued.
- 18 (7) ~~Upon receipt of the application for examination, the Committee secretary shall provide the necessary~~
19 ~~exam pre registration forms for the applicant to pre register for the examination as required in~~
20 ~~Paragraph (c) of this Rule.~~If an applicant fails to obtain a certified applicator's identification card
21 within 12 months of passing the core [examination] examination, the applicant shall take and pass a
22 reexamination before being eligible for the card.
- 23 (8) ~~If an applicant for a certified applicator's card fails an examination, he or she may review the~~
24 ~~examination at the next scheduled review session.~~Upon receipt of the application for examination,
25 the Committee secretary shall provide the necessary exam pre-registration forms for the applicant
26 to pre-register for the examination as required in Paragraph (c) of this Rule.
- 27 (9) ~~Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for certified~~
28 ~~applicator's identification cards.~~If an applicant for a certified applicator's card fails an examination,
29 he or she may review the examination at the next scheduled review session.
- 30 (10) ~~Completion of the Registered Technician School shall be a prerequisite for the certification~~
31 ~~examination.~~Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for
32 certified applicator's identification cards.
- 33 (11) Completion of the registered technician school shall be a prerequisite for the certification
34 examination.

35 (c) Pre-registration for license and certified applicator examination applicants:

1 (1) All applicants for the license or certified applicator's examination(s) shall pre-register with the
2 Committee secretary for said examination(s) no less than 10 days prior to the date of the
3 examination.

4 (2) Applicants who fail to pre-register shall not be permitted to take the examination.

5 (3) Pre-registration shall include a completed application for examination.

6 (d) Frequency of examination by license applicant limited:

7 (1) An applicant who fails to pass the license examination on his or her first attempt may retake the
8 examination at any subsequent scheduled examination.

9 (2) An applicant who fails to pass the second license examination shall wait a minimum of one
10 examination between each subsequent examination: except that, in the event of a death of a licensee
11 the applicant intending to succeed the deceased licensee may take the examination a third time prior
12 to the first one examination waiting period.

13 (3) No applicant shall be permitted to take the examination more than six times per year nor more than
14 two times in consecutive months, except as provided for in Subparagraph (d)(2) of this Rule.

15

16 *History Note: Authority G.S. 106-65.29;*

17 *Eff. July 1, 1976;*

18 *Readopted Eff. November 22, 1977;*

19 *Amended Eff. July 1, 1998; August 3, 1992; January 1, 1991; January 1, 1989;*

20 *Readopted Eff. June 1, 2020.*

21 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0309 is amended with changes as published in 39:01 NCR 10-11 as follows:

2
3 **02 NCAC 34 .0309 RECERTIFICATION**

4 (a) ~~Certified applicators and licensees shall be certified for a five year period. At the end of said five year period, a~~
5 ~~certified applicator or licensee, at his or her discretion, may be recertified for another five year period by choosing~~
6 ~~one of the following options:~~ **ADOPTION BY REFERENCE:** ~~]The North Carolina Structural Pest Control~~
7 ~~Committee, hereby [adopts]incorporates~~ by reference for all Certified Applicators, Part 171.107 “Standards for
8 recertification of commercial applicators” of Title 40: Protection of Environment of the Code of Federal Regulations,
9 titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use
10 Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S.
11 Government Printing Office website, <http://www.gpo.gov/>.

12 (1) ~~reexamination taken between January 1, prior to the expiration of the five year recertification period,~~
13 ~~and June 30;~~

14 (2) ~~for recertification after July 1, 2002: earning Continuing Certification Units during the five years~~
15 ~~immediately preceding the expiration date of his certification. The number of CCUs required shall~~
16 ~~be as follows:~~

17 (A) ~~recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to~~
18 ~~the phase in which recertification is desired;~~

19 (B) ~~recertification in any two phases: 15 CCUs total, five of which shall be solely applicable~~
20 ~~to the first phase and five solely applicable to the second phase in which recertification is~~
21 ~~desired;~~

22 (C) ~~recertification in all three phases: 20 CCUs total, five of which shall be solely applicable~~
23 ~~to the first phase, five solely applicable to the second phase, and five solely applicable to~~
24 ~~the third phase in which recertification is desired;~~

25 (D) ~~licensees and noncommercial certified applicators shall earn at least one of the required~~
26 ~~continuing certification units established in Subparagraph (a)(3) of this Rule in at least four~~
27 ~~years of the five year recertification period;~~

28 (E) ~~commercial certified applicators shall earn at least one of the required continuing~~
29 ~~certification units established in Subparagraph (a)(3) of this Rule in at least three years of~~
30 ~~the five year recertification period;~~

31 (F) ~~continuing certification units shall not be carried forward beyond the five year~~
32 ~~recertification period.~~

33 (b) ~~Licensees holding an inactive license shall be subject to the requirements of this Rule.~~ Certified applicators and
34 licensees shall be certified for a five-year period. At the end of said five-year period, a certified applicator or licensee,
35 at his or her discretion, may be recertified for another five-year period by choosing one of the following options:

36 (1) Reexamination taken between January 1, prior to the expiration of the five-year recertification
37 period, and June 30; or

1 (2) For recertification after July 1, 2002: earning ~~[continuing certification units]~~ Continuing
2 Certification Units (CCUs) during the five years immediately preceding the expiration date of [his
3 certification, and] his or her certification; the number of CCUs required shall be as follows:

4 (A) recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to
5 the phase in which recertification is desired;

6 (B) recertification in any two phases: 15 CCUs total, five of which shall be solely applicable
7 to the first phase and five solely applicable to the second phase in which recertification is
8 desired;

9 (C) recertification in all three phases: 20 CCUs total, five of which shall be solely applicable
10 to the first phase, five solely applicable to the second phase, and five solely applicable to
11 the third phase in which recertification is desired;

12 (D) licensees and noncommercial certified applicators shall earn at least one of the required
13 continuing certification units established in Subparagraph (b)(2) of this Rule in at least four
14 years of the five- year recertification period;

15 (E) commercial certified applicators shall earn at least one of the required continuing
16 certification units established in Subparagraph (b)(2) of this Rule in at least three years of
17 the five-year recertification period; and

18 (F) continuing certification units shall not be carried forward beyond the five-year
19 recertification period.

20 (c) Licensees holding an inactive license shall be subject to the requirements of this rule.

21
22 History Note: Authority G.S. 106-65.29;

23 Eff. July 1, 1976;

24 Readopted Eff. November 22, 1977;

25 Amended Eff. July 1, 1998; January 1, 1989; August 1, 1980;

26 Readopted Eff. June 1, 2020.

27 Amended Eff. February 1, 2025.

1 02 NCAC 34 .0313 is amended with changes as published in 39:01 NCR 11-12 as follows:

2
3 **02 NCAC 34 .0313 REGISTERED TECHNICIAN'S IDENTIFICATION CARDS/TRAINING**
4 **MATERIALS**

5 (a) A registered technician's identification card shall contain, but not be limited to, the following information:

- 6 (1) name of registrant;
- 7 (2) name of licensee or employer;
- 8 (3) name of licensee's company;
- 9 (4) address of licensee's company;
- 10 (5) license number and phase(s) of licensee;
- 11 (6) age, weight, height, color of ~~hair~~hair, and eyes of registrant;
- 12 (7) job classification of card ~~holder;~~holder; and
- 13 (8) issuance date, expiration date, and license year covered by card.

14 (b) The registered technician's identification card and the license of the employer of the card holder shall bear the
15 same license number and license phase(s). Each registered technician's identification card shall bear only one license
16 number, one company name, and not more than three license phases.

17 (c) A licensee or noncommercial certified applicator applying for the issuance or renewal of a registered technician's
18 identification card for his or her employee shall certify to the Structural Pest Control and Pesticides Division that the
19 employee meets all the minimum requirements [as]set forth in [02 NCAC 34 .0101(b)(4)(A)]02 NCAC 34
20 .0101(b)(4)(B) and has completed employee training approved by the Structural Pest Control Committee in structural
21 pest control work.

22 (d) All individuals who make applicationapply for the issuance, not renewal, of registered technician's identification
23 cards after January 1, 1999, shall complete the following training, or its equivalent, or a program approved by the
24 Division that meets the minimum requirements set out in this Rule, before becoming eligible for the identification
25 card:

- 26 (1) Introductory Training:
 - 27 (A) Introductory training shall include completion of the workbook, Introductory Training for
28 Registered Technicians; and
 - 29 (B) A minimum of 24 hours of on-the-job training in applicable phases of structural pest
30 control by ~~the~~ licensee, certified applicator, or registered technician having at least two
31 years of experience.
- 32 (2) On-the-job training involving the equipment, methods,~~methods~~ and materials the employee will use
33 in the day-to-day performance of his~~his or her~~ duties.
- 34 (3) The North Carolina Structural Pest Control Registered Technician School. A fee of twenty-five
35 dollars (\$25.00) shall be charged for each employee attending the Registered Technician School.

36 (e) Training materials and records shall be made available for inspection during regular business hours upon request
37 by the Division and shall be retained two years beyond the last date of the individual's employment.

1 (f) Introductory training shall be completed before the employee is permitted to mix or apply pesticides without the
2 on-site supervision of a registered technician, certified applicator, or licensee.

3 (g) Registered technicians shall complete an annual training in the safe operation of any equipment he or
4 she will use for mixing, loading, transferring, or applying pesticides.

5 (1) The person who conducts this training must meet one of the following criteria:

6 (A) Be currently licensed or certified in the phase that the technician is to be registered;

7 or

8 (B) Be currently designated as a trainer of registered technicians by the committee or
9 the director.

10

11 *History Note: Authority G.S. 106-65.29;*

12 *Eff. July 1, 1976;*

13 *Readopted Eff. November 22, 1977;*

14 *Amended Eff. July 1, 1998; August 3, 1992: January 1, 1991; December 1, 1987;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
16 *22, 2018.*

17 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0327 is amended with changes as published in 39:01 NCR 12 as follows:

2

3 **02 NCAC 34 .0327 LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18**

4 No license ~~certificate or certificate~~, certified applicator's identification card ~~or~~ or, registered technician's identification
5 ~~card~~ card, shall be issued to any person who is less than 18 years old.

6

7 *History Note: Authority G.S. 106-65.29;*

8 *Eff. July 1, 1976;*

9 *Readopted Eff. November 22, 1977;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
11 *22, 2018.*

12 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0604 is amended with changes as published in 39:01 NCR 12-13 as follows:

2
3 **02 NCAC 34 .0604 WOOD-DESTROYING ORGANISMS RECORDS**

4 (a) A duplicate of each written agreement and waiver (if applicable) for the control or prevention of any
5 wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the
6 written agreement. The duplicate of each written agreement shall contain, in addition to the information specified
7 under 02 NCAC 34 .0605, the following:

- 8 (1) EPA approved brand name of ~~pesticide~~all pesticides used;
- 9 (2) Names of all employees who applied ~~pesticide;~~a pesticide;
- 10 (3) ~~Information required by EPA;~~All record keeping requirements required by the EPA under 40
11 CFR Part 171.303(b)(7)(vi);
- 12 (4) For restricted use pesticides, as defined in G.S. 106-65.24(21), the concentration and approximate
13 total volume of each pesticide applied. For restricted use pesticides, this information, along with the
14 information required by Subparagraphs (a)(1) and (2) of this ~~Rule~~Rule, shall also be included on the
15 customer's copy of the written agreement; and
- 16 (5) ~~In addition, for~~For all treatments performed pursuant to 02 NCAC 34 ~~.0505.~~.0503, .0505, or .0506,
17 the following records shall be made and maintained:
 - 18 (A) the date of each termiticide application;
 - 19 (B) the portion or portions of the structure treated;
 - 20 (C) the approximate volume of termiticide applied during each treatment; and
 - 21 (D) the concentration at which the termiticide is applied.

22 (b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for
23 a minimum of two years beyond the date of issuance.

24 (c) Noncommercial certified applicators shall maintain the following records for two years beyond the last date of
25 treatment:

- 26 (1) EPA approved brand name of all pesticides used;
- 27 (2) Concentration and approximate total volume of ~~pesticide~~pesticides applied;
- 28 (3) Names of all employees that applied ~~pesticide;~~pesticides;
- 29 (4) Target pest;
- 30 (5) Site of application;
- 31 (6) Date of application; and
- 32 (7) ~~Information required by EPA.~~All record keeping requirements required by the EPA under 40
33 CFR Part 171.303(b)(7)(vi).

34 (d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting
35 for the pest to be controlled, the licensee, certified applicator, or their employees shall make and maintain records of
36 all such inspection or monitoring activities. Such records shall be made available for inspection as provided ~~for~~in 02
37 NCAC 34 .0328.

1 (e) For all treatments performed pursuant to 02 NCAC 34 .0505 or .0506, the licensee shall place, or cause to be
2 placed, a record of treatment in the permit box or, if no box exists, with the building permit on the job site. The
3 treatment record shall be on a form prescribed by the ~~Division~~Division, which can be found at
4 <https://www.ncagr.gov/divisions/structural-pest-control-and-pesticides/structural/forms> and shall include ~~at least~~ the
5 following information:

- 6 (1) Date of application(s);
- 7 (2) Specific area(s) treated during each application;
- 8 (3) Name of termiticide applied;
- 9 (4) Approximate volume of termiticide applied; and
- 10 (5) Date of final treatment.

11
12 *History Note: Authority G.S. 106-65.29;*
13 *Eff. July 1, 1976;*
14 *Readopted Eff. November 22, 1977;*
15 *Amended Eff. August 3, 1992; January 1, 1989; August 1, 1980;*
16 *Temporary Amendment Eff. January 10, 1997;*
17 *Temporary Amendment Expired Eff. October 31, 1997;*
18 *Amended Eff. July 1, 2004; August 1, 2002; July 1, 1998;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
20 *22, 2018.*
21 *Amended Eff. February 1, 2025.*

1 02 NCAC 34 .0703 is amended with changes as published in 39:01 NCR 13 as follows:

2
3 **02 NCAC 34 .0703 WRITTEN RECORDS OF HOUSEHOLD PEST CONTROL**

4 (a) Written records on the treatment for the control of all household pests shall be maintained by the licensee and
5 made available for inspection at any time during regular business hours upon request from the Structural Pest Control
6 and Pesticides Division. Such records shall include the following information:

- 7 (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- 8 (2) Name and address of the company represented by the certified applicator or licenseelicensee, or
9 their authorized representativesrepresentatives, and the license number of the licensee responsible
10 for the treatment;
- 11 (3) Address(es) of property(ies) treated, type(s) of treatment(s), and date(s) treatment(s) performed;
- 12 (4) Common name(s) of pest(s) to be controlled or covered by the initial agreement or any subsequent
13 treatments;
- 14 (5) The EPA approved brand name of pesticideall pesticides used;
- 15 ~~(6) Information required by EPA;~~
- 16 ~~(6) All record keeping requirements required by the EPA under 40 CFR Part 171 .0303(b)(7)(vi);~~
- 17 (7) Name of licensee, certified applicator, or registered technician making the application; and
- 18 (8) For "restricted use pesticides," as defined in G.S. 106-65.24(21), the information required by
19 Subparagraphs (a)(5), (a)(6), and (a)(7) of this Rule shall also be included on the customer's copy
20 of the written agreement or service record.

21 (b) Noncommercial certified applicators shall maintain and make available for inspection the following records of
22 pesticides applied:

- 23 (1) EPA approved brand name of all pesticides applied;
- 24 (2) Target pest(s);
- 25 (3) Site of application;
- 26 (4) Date of application;
- 27 (5) Name of certified applicator or registered technician making the application; and
- 28 ~~(6) Information required by EPA.~~ All record keeping requirements required by EPA under 40 CFR Part
29 171.303(b)(7)(vi).

30 (c) Records shall be retained for two years beyond the last date of treatment.

31
32 *History Note: Authority G.S. 106-65.29;*

33 *Eff. July 1, 1976;*

34 *Readopted Eff. November 22, 1977;*

35 *Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

36 *Readopted Eff. June 1, 2020.*

37 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0803 is amended with changes as published in 39:01 NCR 13-14 as follows:

02 NCAC 34 .0803 WRITTEN RECORDS OF FUMIGATION

(a) Written records shall be maintained on all fumigation operations and be made available for inspection, upon request, by the enforcement agency or Structural Pest Control Committee anytime during regular business hours. Such records shall include the following information for each fumigation performed:

- (1) Name(s) and address(es) of the property owner(s) or his his or her authorized representative(s);
- (2) Name and address of the company represented by the licensee or certified applicator applicator, or their authorized representative representative, and the license number of the licensee responsible for the treatment;
- (3) Address of property(ies) to be fumigated;
- (4) Common name(s) of pest(s) to be fumigated;
- (5) EPA approved common name of fumigant used;
- (6) EPA registration number of fumigant applied;
- (7) If a restricted use pesticide is used, as defined by G.S. 106-65.24(21), ~~that information required by EPA;~~ all record keeping information required by the EPA under 40 CFR Part 171.303(b)(7)(vi);
- (8) ~~Total amount of fumigant applied;~~ Date and time of application;
- (9) ~~Name of licensee or certified applicator performing the fumigation;~~ Total amount of fumigant applied;
- (10) ~~For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customer's copy of the written agreement or service record;~~ Name of licensee or certified applicator performing the fumigation;
- (11) ~~If the pest to be fumigated is a wood-destroying organism, all of 02 NCAC 34 .0605 shall be followed.~~ For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customers copy of the written agreement or service record; and
- (12) ~~If the pest to be fumigated is a wood-destroying organism, all~~ the requirements ~~of 02 NCAC 34 .0605 shall be followed.~~

(b) Noncommercial certified applicators shall maintain the following records of pesticides applied:

- (1) EPA approved brand name of all fumigants applied;
- (2) EPA registration number of fumigant applied;
- (3) Total amount of fumigant applied;
- (4) Name of certified applicator performing the fumigation;
- (5) Target pest(s);
- (6) Site of application;
- (7) Date and time of application; and
- (8) ~~Any information required by EPA.~~ All record keeping information required by the EPA under 40

1 CFR Part 171.303(b)(7)(vi).

2 (c) Records must be retained for two years beyond the last date of treatment or the expiration of the written agreement,
3 if applicable.

4
5 *History Note: Authority G.S. 106-65.29;*

6 *Eff. July 1, 1976;*

7 *Readopted Eff. November 22, 1977;*

8 *Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989; August 20, 1980; August 1, 1980;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
10 *22, 2018.*

11 *Amended Eff. February 1, 2025.*

02 NCAC 34 .0902 is amended with changes as published in 39:01 NCR 14 as follows:

02 NCAC 34 .0902 FINANCIAL RESPONSIBILITY

(a) A licensee shall obtain and maintain ~~financial responsibility in the form of~~ a general liability insurance policy which covers structural pest control operations in progress and completed structural pest control operations. The insurance policy must provide coverage for all employees that work for the licensee. If an insurance policy is issued to a structural pest control company that employs more than one licensee and the policy otherwise meets the standard set forth in this Rule, all licensees employed by the structural pest control company will be deemed to have insurance.

(b) The insurance policy required in Paragraph (a) of this Rule must provide the following minimum coverage:

- (1) Single limit
 - Property Damage \$100,000 Each Occurrence
 - Bodily Injury \$300,000 Each Occurrence
- (2) Combined single limit \$300,000 Each Occurrence

(c) Each applicant for a license in any phase of structural pest control shall show evidence of ~~his~~ his or her financial ability to the Structural Pest Control Division to ~~properly~~ indemnify persons ~~suffering from~~ adversely affected by the use or application of pesticides in the form of a Certificate of Insurance completed by the insurance company with the Division named as a certificate holder.

(d) The Certificate of Insurance shall ~~clearly~~ set forth the type of coverage, limits of liability, and any exclusions of the policy and shall have an endorsement attached ~~an endorsement~~ which indicates that the policy provides coverage for any pollution or contamination occurring as a result of the use or application of any pesticide or shall state that such an endorsement has been issued with the policy.

(e) The license applicant shall be responsible for the submission of the Certificate of Insurance to the Division as specified in Paragraphs (c) and (d) of this Rule. No license shall be issued, reissued, or renewed until said Certificate of Insurance is received by the Division.

(f) The insurance policy(s) shall be with companies licensed, or otherwise approved to do business in North Carolina, by the NC Department of Insurance. The insurance policy shall be in full force and effect during the entire period covered by the license certificate. The license shall expire upon:

- (1) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph (b) of this Rule;
- (2) cancellation of the policy; or
- (3) expiration of the policy.

Such expired license shall be reinstated only upon ~~satisfactory proof~~ submission to the Division that the licensee has obtained the required Certificate of Insurance from the insurer, financial responsibility coverage, as required in this Rule.

(g) The licensee shall give the Division at least 10 days notice prior to the occurrence of the following:

- (1) cancellation of the policy;
- (2) material change in the policy; or

1 (3) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph
2 (b) of this Rule.

3 (h) No structural pest control license shall be issued to any person ~~where there exists~~when an outstanding and unpaid
4 final judgment exists against said person resulting from any ~~civil suit arising out of~~ damages suffered by a plaintiff as
5 the result of a misuse of a pesticide by said person. Any current and valid structural pest control license shall become
6 null and void 180 days following the imposition of a final judgment awarding damages to any plaintiff resulting from
7 a civil suit arising out of losses suffered as the result of a pesticide misuse by the holder of said license~~license~~, unless
8 the final judgment is settled in full within said 180 days.

9 (i) Paragraphs (a) through (g) of this Rule shall not apply to any person holding an inactive license~~license~~, as defined
10 by ~~2 NCAC 34 .0102(30)~~02 NCAC 34 .0102(31).

11
12 *History Note: Authority G.S. 106-65.37;*

13 *Eff. July 1, 1976;*

14 *Readopted Eff. November 22, 1977;*

15 *Amended Eff. July 1, 1998; November 2, 1992; January 1, 1989; August 1, 1983; August 1, 1980;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
17 *22, 2018.*

18 *Amended Eff. February 1, 2025.*

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, January 6, 2025 11:48 AM
To: Hayworth, Anna
Cc: Burgos, Alexander N
Subject: RE: RRC Meeting-January 2025

Thank you for the email and catching that typo. The next RRC meeting is scheduled for Thursday, January 30th at 10am.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Monday, January 6, 2025 11:45 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Meeting-January 2025

Good afternoon Mr. Wiggs,

We will begin working on this asap. One quick question, the deadline for return says January 17th, but that also appears to be the date of the next RRC meeting.

Just want to make sure we are working towards the correct date. Thanks!

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, January 3, 2025 5:38 PM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Meeting-January 2025

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Structural Pest Control Committee for the January 2025 RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, January 17, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rule to me via email, no later than 5 p.m. on January 17, 2025. Let me know if you have any questions.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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