

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 274

Agriculture Committee Substitute Adopted 5/4/89

Short Title: Pesticide Application Notice.

(Public)

Sponsors:

Referred to:

February 23, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE NOTIFICATION OF CERTAIN PESTICIDE  
3 APPLICATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143-458 reads as rewritten:

6 "§ 143-458. Rules and regulations concerning methods of application.

7 (a) The Board may adopt rules prescribing the method to be used in the  
8 application of pesticides and the times and places pesticides may be applied. The Board  
9 may adopt rules restricting or prohibiting the sale and use of pesticides in designated  
10 areas during specified time periods. In adopting rules under this subsection, the Board  
11 shall consider factors required to prevent damage or injury to the following by the drift  
12 or misapplication of pesticides:

- 13 (1) Plants, including forage plants, on adjacent or nearby land;
- 14 (2) Wildlife in the adjoining or nearby areas;
- 15 (3) Fish and other aquatic life in waters in reasonable proximity to the area  
16 to be treated; or
- 17 (4) Other animals, persons or beneficial insects.

18 In issuing such regulations, the Board shall give consideration to pertinent research  
19 findings and recommendations of other agencies of this State or of the federal  
20 government.

21 (b) The Board may by regulation require that notice of an application or a  
22 proposed application of a pesticide be given to the owner of property treated or to be  
23 treated, the owner's tenants, landowners adjoining the said property to be treated property,

1 landowners or in the immediate vicinity thereof, or members of the public if it finds that  
2 such notice is necessary to carry out the purpose of this Article.

3 (c) Notwithstanding the provisions of subsection (b) of this section, the Board  
4 shall adopt rules requiring that pesticide applicators, immediately after the application  
5 of a restricted-use pesticide to a turf area, post a warning sign on or near the treated  
6 property. These rules shall address at least the following:

7 (1) The size and wording of the signs;

8 (2) The location of the signs;

9 (3) The length of time the signs must be posted after each application, but  
10 in any event no less than a 24-hour period.

11 The Board may require each pesticide applicator to submit its sign or signs to the  
12 Department of Agriculture for approval prior to use. The regulations adopted by the  
13 Board pursuant to this section are in addition to any notification requirements contained  
14 on the label of the pesticide or pesticides applied.

15 A pesticide applicator is not liable for the removal, alteration, or destruction by the  
16 property owner or another person not under the pesticide applicator's employment of a  
17 sign posted in accordance with Board regulations.

18 This section preempts any local ordinance prohibiting or restricting the posting of  
19 pesticide application notice signs in accordance with the provisions of this Article."

20 Sec. 2. G.S. 143-460 is amended by adding a new subdivision to read:

21 "(36b) The term 'turf area' means lawns, yards, golf courses, athletic fields,  
22 playgrounds, parks, and similar properties as defined by the Board, but  
23 does not include turf farms or property used for agricultural  
24 production."

25 Sec. 3. Chapter 106 of the General Statutes is amended by adding the  
26 following new section to read:

27 **"§ 106-65.41A. Pesticide treatment notices.**

28 (a) The Committee shall adopt regulations requiring written notice of restricted-  
29 use pesticide applications to occupied residential multifamily dwellings. The  
30 Committee may also adopt regulations requiring notice of pesticide applications to  
31 private or public occupied buildings and structures, whether residential or not, if it  
32 determines that such notice is reasonably necessary to protect the health and safety of  
33 the public or the occupants.

34 (b) Pursuant to regulations adopted under subsection (a) of this section, a  
35 structural pest control operator or his employee shall, prior to or at the time of  
36 application of a restricted-use pesticide to a multifamily dwelling, provide to the owner,  
37 manager, or person in charge thereof, a written notice of the pesticide application,  
38 including the name, address, and telephone number of the structural pest control  
39 operator and such other information as the Committee may require."

40 Sec. 4. G.S. 106-65.25(b) reads as rewritten:

41 "(b) Except as provided in G.S. 106-65.41A, this ~~This~~ Article shall not apply to  
42 any person doing work on his own property or to any regular employee of any person,  
43 firm or corporation doing work on the property of such person, firm or corporation,  
44 under the direct supervision of the person who owns or is in charge of the property on

1 which work is being done unless a restricted use pesticide is being used. Any person,  
2 including agents or agencies of the federal, State or local governments, using a  
3 restricted use pesticide, whether it be on his own property or on the property of another  
4 in, on, or around food handling establishments, human dwellings, institutions such as  
5 schools and hospitals, industrial establishments including warehouses and grain  
6 elevators and any other structures and adjacent areas, public or private, or for the  
7 protection of stored, processed, or manufactured products in any phase of structural pest  
8 control, must (i) qualify as a certified applicator for that phase of structural pest control,  
9 or (ii) be under the direct supervision of a certified applicator possessing a valid  
10 identification card for that phase of structural pest control."

11           Sec. 5. The Structural Pest Control Committee and the Pesticide Board shall  
12 each hold a public hearing pursuant to G.S. 150B-12 no later than January 1, 1990, on  
13 proposed rules to implement the provisions of this act. Prior to giving notice of its  
14 hearing, each agency shall submit the proposed rules to the Environmental Review  
15 Commission for review. The rules adopted by each agency pursuant to this act shall  
16 become effective no later than July 1, 1990. This section applies only to rules  
17 promulgated to implement the notice provisions required under this act.

18           Sec. 6. This act is effective upon ratification except that G.S. 106-65.41A(b),  
19 as set out in Section 3, shall become effective July 1, 1990.