

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 148

Short Title: Private Pesticide Applicators.

(Public)

Sponsors: Senators Jordan; and Carpenter.

Referred to: Agriculture/Environment/Natural Resources.

February 7, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE PRIVATE APPLICATORS OF RESTRICTED USE
2 PESTICIDES TO REPORT THEIR PESTICIDE USE AND, IN ORDER TO BE
3 ELIGIBLE FOR RECERTIFICATION, TO COMPLETE ADDITIONAL
4 TRAINING.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-440 reads as rewritten:

8 **"§ 143-440. Restricted use pesticides regulated.**

9 (a) The Board may, by regulation after a public hearing, adopt and from time to
10 time revise a list of restricted use pesticides for the State or for designated areas within
11 the State. The Board may designate any pesticide or device as a 'restricted use pesticide'
12 upon the grounds that, in the judgment of the Board (either because of its persistence, its
13 toxicity, or otherwise) it is so hazardous or injurious to persons, pollinating insects,
14 animals, crops, wildlife, lands, or the environment, other than the pests it is intended to
15 prevent, destroy, control, or mitigate that additional restriction on its sale, purpose, use or
16 possession are required.

17 (b) The Board may include in any such restricted use regulation the time and
18 conditions of sale, distribution, or use of such restricted use pesticides, may prohibit the
19 use of any restricted use pesticide for designated purposes or at designated times; may
20 require the purchaser or user to certify that restricted use pesticides will be used only as

1 labeled or as further restricted by regulation; may require the certification and
2 recertification of private applicators and, charge a fee of up to ten dollars (\$10.00), with
3 the fee set at a level to make the certification/recertification program self-supporting, and,
4 after opportunity for a hearing, may suspend, revoke or modify the certification for
5 violation of any provision of this Article, or any rule or regulation adopted thereunder;
6 and may, if it deems it necessary to carry out the provisions of this Part, require that any
7 or all restricted use pesticides shall be purchased, possessed, or used only under permit of
8 the Board and under its direct supervision in certain areas ~~and/or~~ ~~or~~ under certain
9 conditions or in certain quantities or concentrations except that any person licensed to sell
10 such pesticides may purchase and possess such pesticides without a permit. The Board
11 may require all persons issued such permits to maintain records as to the use of the
12 restricted use pesticides. The Board may authorize the use of restricted use pesticides by
13 persons licensed under the North Carolina Structural Pest Control Act without a permit.

14 (c) Beginning January 15, 1996, and annually thereafter, all private pesticide
15 applicators shall file a report with the Board listing all pesticides used to produce
16 agricultural commodities during the preceding year. This report shall specify the
17 amounts and kinds of restricted use pesticides used and any other information the Board
18 specifies to be included in the report.

19 (d) In order to be eligible for recertification, a private pesticide applicator must
20 complete a minimum of 10 hours of recertification training every three years."

21 Sec. 2. This act is effective upon ratification and applies to private applicators
22 of restricted use pesticides who renew their certification on or after that date.