

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 559
HOUSE BILL 688

AN ACT TO AMEND THE PESTICIDE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-439(b) is rewritten as follows:

"(b) The Pesticide Advisory Committee shall consist of 19 members to be appointed by the Board as follows: three practicing farmers; one conservationist (at large); one ecologist (at large); one representative of the pesticide industry; one representative of agribusiness (at large); one local health director; three members of the North Carolina State University School of Agriculture and Life Sciences, at least one of which shall be from the area of wildlife or biology; one member each representing the North Carolina Department of Agriculture, the North Carolina Department of Human Resources, and the North Carolina Department of Natural Resources and Community Development; one representative of a public utility or railroad company which uses pesticides, or of the Board of Transportation; one member of the North Carolina Agricultural Aviation Association; one member of the general public (at large); one member actively engaged in forest pest management; and one member representing the Solid and Hazardous Waste Management Branch, Environmental Health Section, Division of Health Services, Department of Human Resources."

Sec. 2. Wherever the term "restricted-use" appears in Article 52 of Chapter 143 of the General Statutes, the same is hereby amended by deleting the hyphen therefrom.

Sec. 3. G.S. 143-442(a) is amended by inserting the following new sentence between the first and second sentences thereof:

"Beginning in 1988, the Board may by rule adopt a system of staggered three-year registrations."

Sec. 4. G.S. 143-442(a) is amended by deleting the word "and" following subdivision (3) and by rewriting subdivision (4) and adding new subdivisions (5) and (6) as follows:

"(4) if requested by the Board, a full description of the tests made and the results thereof upon which the claims are based;

(5) in the case of renewal of registration, a statement with respect to information which is different from that furnished when the pesticide was last registered; and

(6) a Material Safety Data Sheet for the pesticide".

Sec. 5. G.S. 143-442(b) is amended in the second sentence thereof by deleting the phrase "twenty-five dollars (\$25.00)" and inserting in lieu thereof the

phrase "one hundred dollars (\$100.00)"; and is further amended by adding the following new sentence at the end thereof:

"In the case of multi-year registration, the annual fee for each year shall be paid at the time of the initial registration, provided that a pro rata refund of the registration fee shall be made to the registrant in the event that registration is canceled by the North Carolina Pesticide Board or by the United States Environmental Protection Agency."

Sec. 6. G.S. 143-442(d) is amended by rewriting the first sentence thereof as follows:

"If the pesticide is properly registered with the United States Environmental Protection Agency and is in compliance with the requirements of G.S. 143-443, the Board shall register the pesticide."; and is further amended by inserting the phrase "Provided, however, that" at the beginning of the second sentence thereof.

Sec. 7. G.S. 143-442 is amended by adding a new subsection (j) at the end thereof as follows:

"(j) Each manufacturer, distributor or registrant of a pesticide shall supervise the activities of any employee or agent to prevent the making of deceptive or misleading statements about the pesticide."

Sec. 8. G.S. 143-443(b) is amended by adding a new subdivision (5) as follows:

"(5) For any person to distribute, sell or offer for sale any restricted use pesticide to any dealer who does not hold a valid North Carolina Pesticide Dealer License."

Sec. 9. G.S. 143-446(b) is amended by inserting the following new sentence between the first and second sentences thereof:

"Official samples shall be collected from material that has been packaged, labeled and released for shipment."

Sec. 10. G.S. 143-447(b) is amended by deleting the last two sentences of that subsection; and is further amended by adding the following new sentence at the end thereof:

"The Board may issue a 'stop sale, use or removal order' to prevent or stop the use of a pesticide in a manner inconsistent with its labeling or to prevent or stop the disposal of a pesticide or a pesticide container in violation of this Article or the rules of the Board adopted thereunder."

Sec. 11. G.S. 143-448(b) is amended in the second sentence thereof by inserting the following between the word "a" and the word "fee": "non-refundable".

Sec. 12. The title of Part 3 of Article 52, Chapter 143 of the General Statutes is amended by deleting the phrase "and Manufacturers" therefrom.

Sec. 13. G.S. 143-451(a) is amended by changing the period at the end of subdivision (12) to a semicolon and adding a new subdivision (13) as follows:

"(13) Provided or made available any restricted use pesticide to any person other than a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, structural pest control licensee or an employee under the direct supervision of one of the aforementioned certified or licensed applicators."

Sec. 14. G.S. 143-452(b) is amended in the second sentence thereof by inserting the following between the word "a" and the word "fee": "non-refundable".

Sec. 15. G.S. 143-452(h) is repealed.

Sec. 16. G.S. 143-455(a) is amended in the third sentence thereof by deleting the word "an" and inserting in lieu thereof the phrase: "a non-refundable".

Sec. 17. G.S. 143-456(a) is amended by deleting the word "registered" appearing immediately before the word "employee"; and is further amended in subdivision (14) by deleting the phrase "label or adopted regulations" and inserting in lieu thereof the phrase "labeling or by rule".

Sec. 18. G.S. 143-460 is amended by adding the following new subdivision:

"(22a) 'Material Safety Data Sheet' or 'MSDS' means a chemical information sheet which would satisfy the requirements of the Hazardous Chemicals Right-to-Know Act, Article 18, Chapter 95 of the General Statutes, or any law enacted in substitution therefor."

Sec. 19. G.S. 143-460 is amended by adding the following new subdivision:

"(25a) The phrase 'packaged, labeled and released for shipment' means the point in the production and marketing process of a pesticide where the pesticide has been produced, and it is the intent of the producer that such product be introduced into commerce for direct retail sale"; and is further amended in subdivision (29) by deleting the word "private" appearing immediately before the words "golf course".

Sec. 20. G.S. 143-460(35) is rewritten to read:

"(35) The term 'restricted use pesticide' or 'pesticide classified for restricted use' means any pesticide or use classified as restricted by the Administrator of the United States Environmental Protection Agency or other pesticide or use which the Board has designated as such pursuant to G.S. 143-440."

Sec. 21. G.S. 143-469(b) is amended by deleting the word "or" at the end of subdivision (9); changing the period at the end of subdivision (10) to a semicolon; and adding the following new subdivisions at the end thereof:

"(11) Makes any restricted use pesticide available for use by any person other than a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee or an employee working under the direct supervision of such applicator or licensee.

(12) Distributes, sells or offers for sale any restricted use pesticide to any dealer who does not hold a valid North Carolina Pesticide Dealer License."

Sec. 22. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 6th day of July, 1987.