

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 481
HOUSE BILL 1102

AN ACT TO CREATE THE PESTICIDE ENVIRONMENTAL TRUST FUND, TO BE FUNDED BY AN ASSESSMENT FOR EACH BRAND OR GRADE OF PESTICIDE REGISTERED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-468 reads as rewritten:

"§ 143-468. **Disposition of fees, fees and charges.**

(a) Except as provided in subsection (b), all All-fees and charges received by the Board under this Article shall be deposited in-credited to the Department of Agriculture General Fund Budget for the purpose of administration and enforcement of this Article, with proper approved accounting procedures accounting for all expenditures and receipts. Article.

(b) The Pesticide Environmental Trust Fund is established as a nonreverting account within the Department of Agriculture. The Department of Agriculture shall administer the Fund. The additional assessment imposed by G.S. 143-442(b) on the registration of a brand or grade of pesticide shall be credited to the Fund. The Department shall distribute money in the Fund as follows:

- (1) Two and one-half percent (2.5%) to North Carolina State University Cooperative Extension Service to enhance its agromedicine efforts in cooperation with East Carolina University School of Medicine.
- (2) Two and one-half percent (2.5%) to East Carolina University School of Medicine to enhance its agromedicine efforts in cooperation with North Carolina State University Cooperative Extension Service.
- (3) Twenty percent (20%) to North Carolina State University, Department of Toxicology, to establish and maintain an extension agromedicine specialist position.
- (4) Seventy-five percent (75%) to the Department of Agriculture for its environmental programs, as directed by the Board, including establishing a pesticide container management program to enhance its pesticide disposal program and its water quality initiatives."

Sec. 1.1. G.S. 143-442(a) reads as rewritten:

"(a) Every pesticide prior to being distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the office of the Board, and such registration shall be renewed annually before January 1 for the ensuing calendar year. Beginning in 1988, the Board may by rule adopt a system of

staggered three-year registrations. The applicant for registration shall file with the Board a statement including:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;
- (2) The name of the pesticide;
- (3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use;
- (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~~-pesticide; ~~and~~
- (7) Any other information needed by the Board to determine the amount of annual assessment payable by the applicant."

Sec. 2. G.S. 143-442(b) reads as rewritten:

"(b) The applicant shall pay an annual registration fee of thirty dollars (\$30.00) plus an additional annual assessment for each brand or grade of pesticide registered. The annual assessment shall be fifty dollars (\$50.00) if the applicant's gross sales of the pesticide in this State for the preceding 12 months for the period ending September 30th were more than five thousand dollars (\$5,000.00) and twenty-five dollars (\$25.00) if gross sales were less than five thousand dollars (\$5,000.00). An additional two hundred dollars (\$200.00) delinquent registration penalty shall be assessed against the registrant for each brand or grade of pesticide which is marketed in North Carolina prior to registration as required by this Article. In the case of multi-year registration, the annual fee and additional assessment for each year shall be paid at the time of the initial registration, provided that registration. The Board shall give a pro rata refund of the registration fee shall be made and additional assessment 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. 3. This act is effective upon ratification and applies to all applications for registration filed under G.S. 143-442 on or after that date.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives