

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 274

Short Title: Pesticide Application Notice.

(Public)

Sponsors: Senator Speed.

Referred to: Agriculture.

February 23, 1989

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

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 2 of Article 52 of Chapter 143 of the General Statutes is
6 amended by adding the following new sections:

7 "**§ 143-447.1. Application to turf areas.**

8 (a) General.—A pesticide applicator who applies a pesticide to a turf area shall
9 post or affix warning signs approved by the Board on the property where the pesticides
10 are applied in accordance with the provisions of this section.

11 (b) Warning Signs.—Warning signs must project at least 18 inches above the top
12 of the grass line and must be at least 35 square inches in size. Each sign shall contain
13 the following:

14 (1) The name and telephone number of the pesticide applicator;

15 (2) The brand name of the pesticide applied and the date it is applied;

16 (3) A warning, printed in contrasting colors and type as specified by the
17 Board, to keep children and pets off the premises; and

18 (4) The EPA registration number of the pesticide applied.

19 (c) Posting Requirements.— Signs shall be posted for a period of 24 hours
20 following initial application, provided that the Board may by rule require posting for 48
21 hours following the initial application of a pesticide containing an active ingredient that
22 the Board determines for health or safety reasons should be subject to a longer posting
23 period.

1 (d) Posting Location.– The warning sign must be posted on a lawn or yard
2 between two feet and five feet from the sidewalk, street, road or highway. For all other
3 turf areas, the warning signs must be posted immediately adjacent to areas within the
4 property where pesticides have been applied or at or near the entrances to the property."

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

6 "(36b) The term 'turf area' means lawns, yards, golf courses, athletic fields,
7 playgrounds, parks, and similar recreational properties as defined by the Board, but does
8 not include turf farms or property used for agricultural production."

9 Sec. 3. Chapter 106 of the General Statutes is amended by adding a new
10 section to read as follows:

11 **"§ 106-65.42. Written warnings required.**

12 A licensee, certified applicator, or employee of a structural pest control business and
13 a regular employee doing work on the property of his employer who is otherwise
14 exempt from this Article under the provisions of G.S. 106-65.25(b) shall provide at the
15 time of application of a pesticide to an occupied residential dwelling, whether single-
16 family or multi-family, a written notice at or within each residence containing the
17 following information:

18 (1) The name, telephone number, and address of the structural pest control
19 business or, in the case of an employee doing work on the property of his employer, the
20 name, telephone number, and address of the owner of the treated property or the owner's
21 agent responsible for the management of the treated property;

22 (2) Date of application; and

23 (3) A statement concerning where additional information on the pesticide and its
24 application may be obtained."

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

26 "(b) This Article shall not apply to any person doing work on his own property or
27 or, except as provided in G.S. 106-65.42, to any regular employee of any person, firm or
28 corporation doing work on the property of such person, firm or corporation, under the
29 direct supervision of the person who owns or is in charge of the property on which work
30 is being done unless a restricted use pesticide is being used. Any person, including
31 agents or agencies of the federal, State or local governments, using a restricted use
32 pesticide, whether it be on his own property or on the property of another in, on, or
33 around food handling establishments, human dwellings, institutions such as schools and
34 hospitals, industrial establishments including warehouses and grain elevators and any
35 other structures and adjacent areas, public or private, or for the protection of stored,
36 processed, or manufactured products in any phase of structural pest control, must (i)
37 qualify as a certified applicator for that phase of structural pest control, or (ii) be under
38 the direct supervision of a certified applicator possessing a valid identification card for
39 that phase of structural pest control."

40 Sec. 5. This act shall become effective October 1, 1989.