

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

1

SENATE BILL 174

Short Title: Aerial Application of Pesticides.

(Public)

Sponsors: Senators Jordan and Plexico.

Referred to: Agriculture/Environment/Natural Resources.

February 9, 1995

A BILL TO BE ENTITLED

**AN ACT TO PROHIBIT THE AERIAL APPLICATION OF PESTICIDES WITHIN
THREE HUNDRED FEET OF A RESIDENCE AND TO PROHIBIT THE AERIAL
APPLICATION OF PESTICIDES WITHOUT NOTIFYING OCCUPANTS OF
NEARBY BUILDINGS TWENTY-FOUR HOURS BEFORE THE APPLICATION.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-443(b) reads as rewritten:

"(b) It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Part or regulations promulgated hereunder, or to add any substance to, or take any substance from a pesticide in a manner that may defeat the purpose of this Part;

(2) For any person to use for his own advantage or to reveal, other than to the Board or proper officials or employees of the State or federal government or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of G.S. 143-442.

(2a) Repealed by Session Laws 1981, c. 592, s. 3.

- 1 (3) For any person to use any pesticide in a manner inconsistent with its
2 labeling.
- 3 (4) For any person who contracts for the aerial application of a pesticide to
4 permit the application of any pesticide that is designated on its labeling
5 as toxic to bees without first notifying, based on available listings, the
6 owner or operator of any apiary registered under the North Carolina Bee
7 and Honey Act of 1977 that is within a distance designated by the
8 Pesticide Board as necessary and appropriate to prevent damage or
9 injury.
- 10 (5) For any person to distribute, sell or offer for sale any restricted use
11 pesticide to any dealer who does not hold a valid North Carolina
12 Pesticide Dealer License.
- 13 (6) For any person to engage in the aerial application of pesticides within
14 300 feet of a residence. The Board may adopt rules that provide for a
15 larger buffer zone if the Board determines a larger buffer zone is needed
16 to protect public health.
- 17 (7) For any person to engage in the aerial application of pesticides of any
18 site without notifying occupants of schools, hospitals, nursing homes,
19 churches, businesses, residences, or any other building used by humans
20 within one-half mile of the site at least 24 hours before the aerial
21 application."

22 Sec. 2. This act becomes effective October 1, 1995, and applies to any aerial
23 application of pesticides on or after that date.