

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 174

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/8/95

Short Title: Notify/Aerial Application of Pesticides.

(Public)

Sponsors:

Referred to:

February 9, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR NOTIFICATION TO OWNERS AND RESIDENTS OF LAND ADJOINING LAND ON WHICH A PESTICIDE IS APPLIED BY AERIAL APPLICATION OF THE AERIAL APPLICATION OF THE PESTICIDE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-458 reads as rewritten:

"§ 143-458. Rules and regulations concerning methods of application.

(a) The Board may adopt rules prescribing the method to be used in the application of pesticides and the times and places pesticides may be applied. The Board may adopt rules restricting or prohibiting the sale and use of pesticides in designated areas during specified time periods. In adopting rules under this subsection, the Board shall consider factors required to prevent damage or injury to the following by the drift or misapplication of pesticides:

- (1) Plants, including forage plants, on adjacent or nearby land;
- (2) Wildlife in the adjoining or nearby areas;
- (3) Fish and other aquatic life in waters in reasonable proximity to the area to be treated; or
- (4) Other animals, persons or beneficial insects.

1 In issuing such regulations, the Board shall give consideration to pertinent research  
2 findings and recommendations of other agencies of this State or of the federal  
3 government.

4 (b) The Board may by regulation require that notice of a proposed application of a  
5 pesticide be given to ~~landowners~~ owners and residents of land adjoining the property to be  
6 treated or in the immediate vicinity thereof, if it finds that such notice is necessary to  
7 carry out the purpose of this Article.

8 (c) An owner or resident of land adjoining any land on which a pesticide is applied  
9 by aerial application who wishes to be notified of the aerial application may register with  
10 the Department of Agriculture. The owner or resident shall submit the names, addresses,  
11 and telephone numbers of each person, or the agent of each person, from whom the  
12 owner or resident seeks notification under this subsection and shall pay an annual  
13 registration fee of ten dollars (\$10.00) to the Department of Agriculture. The Department  
14 of Agriculture shall use the annual registration fee to defray the cost of administering this  
15 subsection. Any person who contracts for the aerial application of a pesticide shall  
16 attempt to notify each owner and resident of adjoining lands who has registered to be  
17 notified of an aerial application of a pesticide in accordance with rules adopted by the  
18 Board. The Board shall adopt rules governing registration of persons to whom notice is  
19 required to be given and prescribing the form and manner in which notice is given."

20 Sec. 2. Rules adopted by the North Carolina Pesticide Board to implement  
21 G.S. 143-458(c), as enacted by Section 1 of this act, become effective 1 January 1996.  
22 This act is effective upon ratification and applies to any aerial application of pesticides on  
23 or after 1 January 1996.