

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 389  
HOUSE BILL 1024

AN ACT TO AMEND ARTICLE 52 OF CHAPTER 143 OF THE GENERAL STATUTES,  
THE NORTH CAROLINA PESTICIDE LAW OF 1971.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 143-442(e) which now reads as follows:

"(e) The Board is authorized and empowered to refuse to register, or to cancel the registration of any or all brands and grades of pesticides as herein provided, upon satisfactory proof that the registrant or applicant has been guilty of fraudulent and deceptive practices in the evasions or attempted evasions of the provisions of this Part, or any rules and regulations promulgated thereunder: Provided, that no registration shall be revoked or refused until the registrant or applicant shall have been given the opportunity for a hearing by the Board, as provided in G.S. 143-464." is rewritten to read as follows:

"(e) The Board is authorized and empowered to refuse to register, or to cancel the registration of any or all brands and grades of pesticides as herein provided, if the registrant fails or refuses to comply with the provisions of this Part, or any rules and regulations promulgated thereunder, or, upon satisfactory proof that the registrant or applicant has been guilty of fraudulent and deceptive practices in the evasions or attempted evasions of the provisions of this Part, or any rules and regulations promulgated thereunder: Provided, that no registration shall be revoked or refused until the registrant or applicant shall have been given the opportunity for a hearing by the Board, as provided in G.S. 143-464."

**Sec. 2.** G.S. 143-452(b) which now is as follows:

"Applications for a pesticide applicator license shall be in the form and shall contain the information prescribed by the Board. Each application shall be accompanied by a fee of twenty-five dollars (\$25.00) for each pesticide applicator's license and in addition an annual inspection fee of ten dollars (\$10.00) for each aircraft to be licensed and five dollars (\$5.00) for each piece of ground equipment to be licensed. Should any equipment fail to pass inspection, making it necessary for a second inspection to be made, the Board shall require an added inspection fee in the same amount as the original fee. In addition to the required inspection, unannounced inspections may be made without charge to determine if equipment is properly calibrated and maintained in conformance with laws and regulations. All licensed equipment shall be identified by a license plate or decal furnished by the Board, at no cost to the licensee, which plate or decal shall be affixed in a location and manner upon such equipment as prescribed by the Board. No applicator inspection or license fee, original or renewal, shall be charged to State agencies or local governments or their employees." is rewritten to read as follows:

"(b) Applications for a pesticide applicator license shall be in the form and shall contain the information prescribed by the Board. Each application shall be accompanied by a fee of twenty-five dollars (\$25.00) for each pesticide applicator's license. In addition, an annual inspection fee of ten dollars (\$10.00) shall be submitted for each aircraft to be licensed. Should any aircraft fail to pass inspection, making it necessary for a second inspection to be made, the Board shall require an additional ten dollar (\$10.00) inspection fee. In addition to the required inspection, unannounced inspections may be made without charge to determine if equipment is

properly calibrated and maintained in conformance with the laws and regulations. All aircraft licensed to apply pesticides shall be identified by a license plate or decal furnished by the Board at no cost to the licensee, which plate or decal shall be affixed on the aircraft in a location and manner prescribed by the Board. No applicator inspection or license fee, original or renewal, shall be charged to State agencies or local governments or their employees. Inspections of ground pesticide application equipment may be made. Any such equipment determined to be faulty or unsafe shall not be used for the purpose of applying a pesticide(s) until such time as proper repairs and/or alterations are made."

**Sec. 3.** G.S. 143-460(31) which is as follows:

"'Pesticide operator' means a person who is employed or directly supervised by a pesticide applicator, and who in turn either

- a. Directly supervises activities in the field including recommending controls, handling, mixing, and applying pesticides in the field, and the disposal of waste, excess materials, or containers, or
- b. Is the sole employee engaged in such activities." is repealed.

**Sec. 4.** G.S. 143-453 is amended by striking the period at the end of subsection (a)(3) and substituting a semicolon therefor and adding the following: "or

- (4) As to apprentice aerial pesticide applicators who have met all requirements of the FAA, 30 hours of low level flying while applying water or other inert substance under the direction and supervision of a licensed pesticide applicator (pilot), provided that aerial applications of pesticides by licensed apprentice aerial pesticide applicators are under the direction and supervision of a licensed pesticide applicator (pilot)."

**Sec. 5.** G.S. 143-452(d) which now reads as follows:

"(d) The Board shall classify licenses to be issued under this Part. Separate classifications shall be specified (i) for ground and aerial methods used by any licensee to apply pesticides, and (ii) covering State and local governmental units engaged in the control of rodents and insects of public health significance. The Board may include such further classifications and subclassifications as the Board considers appropriate. For aerial applications, a license shall be required both for the contractor and the pilot. Each classification shall be subject to separate testing procedures and requirements." is rewritten to read as follows:

"(d) The Board shall classify licenses to be issued under this Part. Separate classifications or subclassifications shall be specified for (i) ground and aerial methods of application, and (ii) State and local government units engaged in the control of rodents and insects of public health significance. The Board may include such further classifications and subclassifications as the Board considers appropriate, including provisions for licensing of apprentice pesticide applicators. For aerial applicators, a license shall be required for both the contractor and the pilot. Each classification and subclassification may be subject to separate testing procedures and requirements."

**Sec. 6.** The first sentence of G.S. 143-461(2) which reads as follows:

"(2) To authorize the Commissioner by proclamation to suspend or implement, in whole or in part, particular regulations of the Board which may be affected by variable conditions." is rewritten to read as follows:

"(2) To authorize the Commissioner by proclamation (a) to suspend or implement, in whole or in part, particular regulations of the Board which may be affected by variable conditions, or (b) to suspend the application of any provision of this Part to any federal or State agency if it is determined by the Commissioner that emergency conditions require such action."

**Sec. 7.** G.S. 143-442 is amended by adding a subparagraph (g) as follows:

"(g) Any pesticide declared to be discontinued by the registrant must be registered by the registrant for one full year after distribution is discontinued. Any pesticide in channels of distribution after the aforesaid registration period may be confiscated and disposed of by the Board, unless the pesticide is acceptable for registration and is continued to be registered by the manufacturer or the person offering the pesticide for wholesale or retail sale."

**Sec. 8.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1973.