

NORTH CAROLINA GENERAL ASSEMBLY  
1975 SESSION

CHAPTER 425  
SENATE BILL 501

AN ACT TO AMEND THE NORTH CAROLINA PESTICIDE LAW OF 1971 TO CLARIFY  
AND SIMPLIFY ITS PROVISIONS CONCERNING REGISTRATION OF PESTICIDES  
AND LICENSING OF PESTICIDE CONSULTANTS, DEALERS AND APPLICATORS.

The General Assembly of North Carolina enacts:

**Section 1.** The first sentence of G.S. 143-442(a) is hereby amended by inserting at the end of said sentence, before the period and after the word "annually", the following: "before January 1 for the ensuing calendar year".

**Sec. 2.** G.S. 143-442 is amended by adding thereto at the end thereof a new subsection (h) to read as follows:

"(h) A pesticide may be registered by the board for experimental use, including use to control wild bird or animal populations where the birds or animals in question have not yet been declared unprotected by the Wildlife Resources Commission, notwithstanding the provisions of G.S. Chapter 113, Article 7."

**Sec. 3.** G.S. 143-443(b) is amended by renumbering paragraph (2) thereof as paragraph (3), and by inserting therein after paragraph (1) thereof the following additional numbered paragraph (2):

"(2) For any person to use any registered pesticide in a manner inconsistent with its labeling;"

**Sec. 4.** The second sentence of G.S. 143-449(a) beginning with the words "The basic qualifications" and including numbered paragraphs (1) and (2) is hereby deleted in its entirety.

**Sec. 5.** G.S. 143-453(a) is hereby amended by inserting the words, "for an aerial pesticide applicator pilot", in the second sentence after the word "qualifications"; by deleting the words "an employee or owner operator" in line 1 of paragraph (1) and substituting therefor the words "a pilot"; by inserting the word "aerial" before the word "pesticide" in line 1 of paragraph (1) and in line 2 of paragraph (1); by substituting a period for the semicolon at the end of paragraph (1); by deleting the word "or" at the end of paragraph (1); by deleting paragraphs (2) and (3) in their entirety; by renumbering paragraph (4) as paragraph (2); by deleting the word "applicators" in line 1 and in line 5 of renumbered paragraph (2) and inserting in lieu thereof the words "applicator pilots"; and by deleting the parentheses around the word "pilot" in lines 4 and 7.

**Sec. 6.** G.S. 143-451(a) and G.S. 143-456(a) are hereby amended, in line 2 of both said sections, by deleting the words and figures "10 days" and by inserting in lieu thereof the words and figures "30 days".

**Sec. 7.** G.S. 143-451(a)(8) is hereby amended by inserting in line one thereof, after the word "misrepresentation" and before the word "in", the phrase ", or presented false information,".

**Sec. 8.** G.S. 143-456(a)(9) is hereby amended by inserting in line 1 thereof, after the word "misrepresentation" and before the word "in" the phrase ", or presented false information,".

**Sec. 9.** G.S. 143-453(c)(2) is hereby amended to read as follows:

"(2) Provide for license renewal examinations at intervals not more frequent than four years, or more frequently if found by the board to be required to be necessary in order to qualify North Carolina's State pesticide control plan for federal approval."

**Sec. 10.** G.S. 143-455(b) is hereby amended to read as follows:

"(b) An applicant for a consultant license must present satisfactory evidence to the board concerning his qualifications for such license. The board may classify consultant licenses into one or more classifications or subclassifications based upon types of consulting services performed or to be performed. Such classifications and subclassifications may reflect the crops involved in the consulting service, the discipline or training of consultant, the discretion or lack of discretion involved in the consulting service, and the site or location of the service. Each classification and subclassification may be subject to separate testing procedures and requirements, and may be subject to its own minimum standards of training in specialized subject matter from a recognized college or university, or equivalent specialized consulting experience or training. Qualifications for licensing may be less stringent if the licensee is restricted to making recommendations contained in publications recognized by the board as appropriate for a specific consulting classification or subclassification."

**Sec. 11.** G.S. 143-460(29) is hereby rewritten to read as follows:

"(29) 'Pesticide applicator' includes any person who owns or manages a pesticide application business which is engaged in the business of applying pesticides upon the lands or properties of another; any public operator; any private golf course operator; any seed treater; any person engaged in demonstration or research pest control; and any other person who acts as a pesticide applicator and is not exempt from this definition. It does not include:

- a. Any person who uses or supervises the use of a pesticide (i) only for the purpose of producing an agricultural commodity on property owned or rented by him or his employer, or (ii) only (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person, or (iii) only for the purposes set forth in (i) and(ii) above.
- b. Any person regulated by the North Carolina Structural Pest Control Law(G.S. Chapter 106, Article 4C)."

**Sec. 12.** This act shall become effective July 1, 1975, except that Section 10 of this act shall become effective on January 1, 1976.

In the General Assembly read three times and ratified, this the 28th day of May, 1975.