

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 448  
SENATE BILL 454

AN ACT TO MAKE CERTAIN TECHNICAL AMENDMENTS TO ARTICLE 52, CHAPTER 143, NORTH CAROLINA PESTICIDE LAW OF 1971, TO FACILITATE THE ENFORCEMENT THEREOF.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 143-440(b) is hereby amended at line 6 thereof by inserting, following the word "regulation;" the following: "may require the certification of private applicators;".

**Sec. 2.** G.S. 143-442 is hereby amended by adding thereto a new subsection (i) which shall read as follows:

"(i) The Board shall be empowered to set forth criteria for determining when a given product constitutes a different or separate brand or grade of pesticide."

**Sec. 3.** G.S. 143-442(g) is hereby amended by adding after the last sentence thereof the following:

"Provided, however, this subsection shall not apply to any brand or grade of pesticide which the Board determines does not remain in channels of distribution due to method of sale by registrant directly to users thereof."

**Sec. 4.** G.S. 143-443(b)(2a) is hereby amended by deleting therefrom at line 1 thereof, the word "registered".

**Sec. 5.** G.S. 143-443(b)(2a) is hereby further amended by changing the semicolon in line 2 thereof to a comma and adding, following the word, "labeling", the following:

"including, by way of illustration but not limitation, the use of a pesticide on a crop, animal, or site not permitted by the labeling;".

**Sec. 6.** G.S. 143-447(b) is hereby amended at line 14 thereof by deleting therefrom the words "as established by the consignee at the time of sampling," and by inserting in lieu thereof the words "of any product sold subsequent to sampling and prior to repossession,".

**Sec. 7.** G.S. 143-450(a) is hereby rewritten to read as follows:

"(a) Every licensed pesticide dealer shall submit to the Board, at such times as the Board or the Commissioner may prescribe, the names of all persons employed by him who sell or recommend 'restricted-use pesticides.'"

**Sec. 8.** G.S. 143-454(a) is hereby rewritten to read as follows:

"(a) Every licensed pesticide applicator shall submit to the Board, at such times as the Board or the Commissioner may prescribe, the names of all solicitors, salesmen, and operators employed by him."

**Sec. 9.** G.S. 143-460 is hereby amended in subdivision (6) thereof by deleting therefrom the words "Advisory Committee on Pesticides" and by substituting in lieu thereof the words "Pesticide Advisory Committee".

**Sec. 10.** G.S. 143-460(12) is hereby rewritten to read as follows:

"(12) The term 'fungus' means any non-chlorophyll-bearing thallophyte (that is any non-chlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast, and bacteria,

except those on or in living man or other animals and those on or in processed food, beverages, or pharmaceuticals."

**Sec. 11.** G.S. 143-463(b)(3) is hereby amended at line 8 thereof by changing the number "30" to the number "10".

**Sec. 12.** G.S. 143-464(c)(1) is hereby amended at line 3 thereof by changing the number "30" to the number "20".

**Sec. 13.** Article 52 of Chapter 143 is hereby amended by adding thereto a new section which shall be numbered G.S. 143-471 and which shall read as follows:

**"§ 143-471. Report of minor violations in discretion of Board or Commissioner.** — Nothing in this Article shall be construed to require the Board or the Commissioner to initiate, or attempt to initiate, any criminal or administrative proceedings under this Article for minor violations of this Article whenever the Board or Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning."

**Sec. 14.** G.S. 143-437(2) is hereby amended to read as follows:

"To carry out a program of planning, environmental and biological monitoring, and of investigation into long-range needs and problems concerning pesticides."

**Sec. 15.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1979.