

The proposed amendment to 02 NCAC 09L .0502 will be published in the NC Register on **June 15th, 2021**. The comment period will end **August 16, 2021**.

Written comments may be submitted to Jim Burnette, Secretary of the NC Pesticide Board, 1090 Mail Service Center, Raleigh, NC 27699-1090. Written comments may also be received via email (james.burnette@ncagr.gov).

Any person may request a public hearing on the proposed rules by submitting a request in writing no later than June 30, 2021 to James W. Burnette, Jr., Secretary, NC Pesticide Board, 1090 Mail Service Center, Raleigh, NC 27699-1090.

The North Carolina Pesticide Board finds it critical to exempt pesticides approved by the United States Environmental Protection Agency (EPA) on an emergency basis in accordance with 02 NCAC 09L .0318 for use in preventing, destroying, or mitigating COVID-19 from being restricted use pesticides as currently required by 02 NCAC 09L .0502(3). This exemption will bring North Carolina standards in line with other states and ensure North Carolina does not fall behind in its efforts to respond to COVID-19 by allowing for normal distribution of these pesticides.

02 NCAC 09L .0502 is proposed for amendment as follows:

02 NCAC 09L .0502 LIST OF RESTRICTED USE PESTICIDES

(a) For the purpose of this Subchapter a "restricted use pesticide" shall be:

- (1) any pesticide required by the Environmental Protection Agency to bear the designation on its labeling "Restricted Use Pesticide;"
- (2) arsenic trioxide; and
- (3) any pesticide approved under Rule .0318 of this Subchapter.

(b) Any pesticide approved by the United States Environmental Protection Agency for use in the State of North Carolina in accordance with 02 NCAC 09L .0318 that is labeled as approved for use

in preventing, destroying, or mitigating COVID-19 shall be exempt from the provisions of Subparagraph (a)(3) of this Rule and shall not be considered a Restricted Use Pesticide.

History Note: Authority G.S. 143-440(a),(b); 143-441; 143-458;

Eff. February 1, 1976;

Amended Eff. April 21, 1977;

Emergency Amendment [(e)] Eff. July 8, 1977, for a Period of 176 Days to Expire on December 31, 1977; Emergency Amendment [(e)] Expired Eff. December 31, 1977;

Amended Eff. January 1, 1990; August 1, 1982; January 1, 1979; June 30, 1978;

Readopted Eff. August 1, ~~2020~~ 2020;

Emergency Amendment Eff. March 25, 2021;

Temporary Amendment Eff. May 28, 2021.