

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 389

Short Title: Aerial Application Buffer.

(Public)

Sponsors: Representative Holt.

Referred to: Basic Resources.

February 27, 1989

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPOSIT OF PESTICIDES WITHIN THREE
HUNDRED FEET OF A RESIDENCE BY AERIAL APPLICATION.

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.

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

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

1 (c) No pesticide shall be deposited by aerial application within three hundred feet
2 of a residence.”

3 Sec. 2. This act shall become effective October 1, 1989.