

North Carolina PESTICIDE REPORT

for

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THE BULLETIN
of the
North Carolina Department of Agriculture
and Consumer Services
Raleigh, N.C.

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Food and Drug Protection Division
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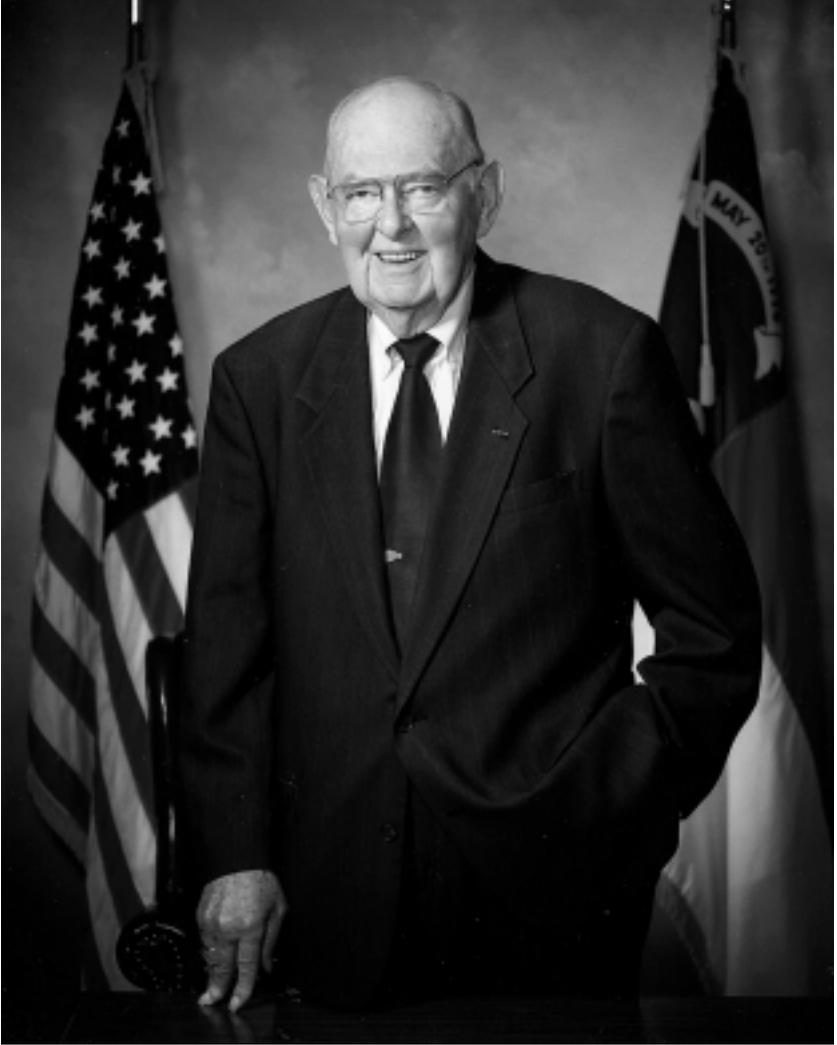
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James A. Graham, *Commissioner*

Foreword

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The 1999 Edition of the North Carolina Pesticide Report represents a revision of previous issues. By elaborating on the purpose of this report, by adding new material, and by better defining the substances listed, we attempted to reflect in a more meaningful manner, the information collected during the 1999 calendar year. We hope that more readers will be able to use it effectively.

This will also acknowledge and express our appreciation to the following people who made significant contributions to the contents and preparation of this Pesticide Report: ***Pesticide Section*** - Margaret D. Broome, Betty H. Griffin, Eleanor F. Lipscomb, Jamillah C. Spencer and Laura L. Stover, *Processing Assistant III's*; Jan L. Culbreth, Sandi H. Cummings, Darlene H. Garner, Cassandra E. Herndon and Ann H. Vaughn, *Office Assistant IV's*; Amy P. Bissette, *Administrative Secretary III*; Lorrie C. Gay and Michael V. Williams, *Information Processing Technicians*; Flo S. Lamphier, *Administrative Officer I*; John L. Smith, Jr., *Pesticide Administrator*; James W. Burnette, Jr., *Acting Pesticide Administrator*; Julie A. Haigler, *Registration, Licensing, and Information Unit Supervisor*; John E. Hunter, III, *Emergency Response Unit Supervisor*; Dr. Colleen M. Hudak and Mitchell A. Peele, *Special Programs Unit Supervisors*; Sharron W. Preddy, *Compliance Monitoring and Field Operations Unit Supervisor*; Dr. Henry F. Wade, *Environmental Programs Manager*; J. Derrick Bell, *Pesticide Specialist II*; Peyam Barghassa, Judith H. Card, L. Lee Davis, Kay G. Harris, Michael A. Mitchell, Carolyn M. Thompson, Valerie C. Vann, and Robert M. Welker, *Pesticide Specialists*; John B. Dalley, J. Patrick Jones, Michael A. Mitchell, and Dwight E. Seal, Haywood L. West, *District Supervisors*; James C. Bristow, Jr., Charles L. Clark, Benny C. Griffin, Hoyt M. Haddock, Gwen T. Minton, W. Howard Minton, and James T. Perry, *Pesticide Inspector II's*; Thomas C. Bowman, Jr., W. Kenneth Crabtree, M. Timm Dazey, Jr., W. Barry Dunn, Forrest S. Egelston, Patrick N. Farquhar, Steven F. Gatton, J. Michael Jackson, Terry L. Leatherwood, R. Steve Taylor, D. Wayne Tyer, Paul H. Ward, III, and Kenneth E. Warren, *Pesticide Inspectors*; ***Food and Drug Protection Division*** - Robert L. Gordon and E. Bruce Williams, *Directors, Regulatory and Service Programs*; Dr. Joel M. Padmore, *Assistant Director and State Chemist*; George Hernandez, *LAN Administrator*; Dr. Jennifer Quinlan, *Chief Microbiologist*; Martha M. Bray and Dawn Davis, *Microbiologists*; Ralph L. Denning; *Supervisor, Pesticide Laboratory*; John W. Duncan, R. Vern Park, Stefanie A. Raysich, Ronnie E. Rollins, and Frankie G. Worsham, *Chemists*; Coy T. Bowling, *Laboratory Helper*.

Meg Scott Phipps
Commissioner of Agriculture

How to Use This Report

Considerable time and effort has gone into editing and organizing this 1999 edition of the Pesticide Report. Every section has been updated, new information added as necessary, and details expanded to make this Report a more complete and up-to-date reference as to the sale and use of pesticides in North Carolina.

Individually requested and tailored lists of registrants, dealers, applicators or consultants are available by contacting the Pesticide Section at (919) 733-3556. A nominal printing charge may apply.

In this Pesticide Report you will find:

Introduction

The Introduction accurately reflects the development of laws and regulations governing the sale and use of pesticides in North Carolina.

It also refers to certain divisions in the North Carolina Department of Agriculture & Consumer Services that perform key roles in regulating and controlling the sale and use of pesticides in this State.

Brief of the North Carolina Pesticide Law of 1971 (As Amended through 1998)

This section presents a brief abstract of the North Carolina Pesticide Law of 1971. It also shows how and where to obtain a complete copy of the Law and the Regulations adopted by the North Carolina Pesticide Board pursuant to this Law.

Pesticide Board and Pesticide Advisory Committee

This section presents a brief description of the duties and composition of the North Carolina Pesticide Board and North Carolina Pesticide Advisory Committee.

Licensed Pesticide Dealers, 1999

This section is a 1999 directory of the names and counties of Pesticide Dealers licensed to sell restricted use pesticides in North Carolina.

Licensed Pesticide Aerial Applicators, 1999

This section is a 1999 directory of the names and counties of Aerial Pesticide Applicators licensed in North Carolina for the 1999 calendar year.

Licensed Pesticide Ground Applicators, 1999

This section is a directory of the names and counties of Ground Applicators licensed in North Carolina for the 1999 calendar year.

Licensed Pesticide Public Operators, 1999

(Federal, State, County and Municipal Governments and Public Utilities) This section is a directory of the names and counties of Public Operators licensed in North Carolina for the 1999 calendar year.

Licensed Pest Control Consultants, 1999

This section is a directory of the names and counties of Pest Control Consultants licensed in North Carolina for the 1999 calendar year.

Pesticides Examined, 1999

This section presents in table form an alphabetical listing of the manufacturer of the pesticides that were sampled and analyzed in the Department's laboratories in 1998. Results of the analyses are tabulated and total numbers of each determination made are at the end of the table.

Samples at Variance From Guarantee, 1999

This table lists the samples found by the Department's laboratories to be at variance from guarantee in 1999. The table also lists the name of each manufacturer, each pesticide brand name, and presents data and description indicating how each sample examined varied from guarantee.

Other Violations, 1999

This section gives the names of firms that manufactured or distributed products in North Carolina and had one or more violations under the North Carolina Pesticide Law of 1971. These violations constituted either unregistered or misbranded products examined at pesticide outlets but not sampled for analysis.

**Summary of 1999 Regulatory Activities Performed
Under the North Carolina Pesticide Law**

This section presents a summary of the total numbers of manufacturers who registered pesticides in North Carolina; pesticide formulations registered; pesticides examined; stop-sale, stop-use, or removal orders issued; licenses issued; and inspections performed.

Introduction

The term "Pesticide" covers a large number of materials and mixtures intended for destroying, controlling, or repelling pests such as insects, weeds, and other noxious plants, predatory animals and birds, soil-infesting pests such as nematodes, algae, snails, and bacteria. Other examples are disinfectants, antiseptics, and fungicides for use other than on living man or other animals, defoliants, various repellents, fly paper, and other adhesive products whose action goes beyond simple mechanics, moth proofers, wood preservatives other than common paints, mildew controls, and seed fumigants.

An adequate and readily available supply of many of these products is essential in the economical production of feed and fiber crops. The preservation of many products in storage and the control of domestic and industrial pests which affect both the health and welfare of human beings and animals are likewise dependent on such materials.

While the development and distribution of various pesticides to serve the needs are important, provisions must be present to protect the public. During the years 1947 through 1971, it was the purpose of the economic poisons law (North Carolina Insecticide, Fungicide, and Rodenticide Act of 1947, G.S. 4A, Chapter 106) to protect the public from adulterated, misbranded, worthless, and dangerous products, and legitimate manufacturers from unscrupulous competition.

During the years 1953 through 1971, the aerial application of pesticides was regulated by the North Carolina Aerial Crop Dusting Law, G.S. 4B, Chapter 106. The Law and the regulations promulgated thereunder, in summary, required the registration and licensing of contractors and aviators who engaged in the custom application of pesticides by aircraft in North Carolina. The validity of a license was further restricted to the period of time that coverage by liability bond or insurance for damage by aircraft was in force.

During 1969, the North Carolina General Assembly through House Resolution 1392 directed the Legislative Research Commission to study the laws regulating pesticides in N.C. and report its findings and recommendations to the 1971 General Assembly. As a result of the findings and recommendations of the Commission, the North Carolina Pesticide Law of 1971 was adopted.

The N.C. Pesticide Law of 1971 established the North Carolina Pesticide Board as the governing body for the programs of pesticide management and control set forth in the Law. Provisions for regulating the use, application (aerial and ground), sale, storage, disposal and registration of pesticides are set forth in the Law.

The Law provides for the adoption of a list of restricted use pesticides and requires the licensing of all pesticide dealers who sell restricted use pesticides directly to users. Pesticide applicators and consultants are also subject to licensing requirements. Private pesticide applicators may be required to be certified or recertified in order to purchase, use, and supervise use of restricted use pesticides in agricultural commodity production.

The Commissioner of Agriculture is responsible for administering and enforcing the Law and all rules and regulations adopted by the Board.

Each brand or grade of pesticide must be registered with the North Carolina Department of Agriculture & Consumer Services before it can be legally offered for sale in the State. A \$30.00 registration fee for each brand or grade must accompany each Application for Registration. In addition to the registration fee, an annual environmental assessment must be paid for each brand or grade to be registered in North Carolina. The assessment shall be \$50.00 if the applicant's gross sales of the pesticide in this state for the preceding 12 months for the period ending September 30th were more than \$5,000.00 and \$25.00 if gross sales were less than \$5,000.00. This assessment must accompany the \$30.00 registration fee in order for the registration to be complete.

A state-wide inspection service will be maintained to investigate incidents involving pesticide misuse and to implement programs to enhance compliance to the Law and regulations. In addition to product registration and applicator licensing programs, the Pesticide Section of the Food and Drug Protection Division will implement programs as authorized by regulation pertaining to the quality of formulated pesticides, the storage, disposal, and use of pesticides. The Department will maintain analytical laboratories to conduct analysis of official samples obtained for regulatory purposes.

Brief of the North Carolina Pesticide Law of 1971

North Carolina Pesticide Board

Governing Body

Commissioner of Agriculture, Raleigh, N.C.

**Administrative
and Enforcement**

North Carolina Pesticide Advisory Committee

**Assists the Board and
Commissioner in an
advisory capacity**

Any pesticide may be designated as a "restricted use pesticide" upon the grounds that in the judgment of the Board it is so hazardous or injurious to persons, pollinating insects, animals, crops, wildlife, lands, or the environment that additional restrictions on its sale, purpose, use, or possession are required. Restricted Use Pesticides include any pesticide required by the Environmental Protection Agency to bear the designation on its labeling "Restricted Use Pesticide." (Restricted Use Pesticides have been established by regulation.)

**Restricted Use
Pesticides**

The Board may require certification and recertification of private pesticide applicators and charge a fee of up to \$10.00. The current fee is established by regulation at \$6 for a three-year certification.

**Private Applicator
Certification
Requirement**

All pesticide dealers who sell restricted use pesticides must be licensed. Application for a pesticide dealer's license must be accompanied by a nonrefundable fee of \$30. All licenses shall expire on December 31 of the year for which they are issued. The license may be renewed annually upon application to the Department of Agriculture and Consumer Services, accompanied by a nonrefundable fee of \$30 for each license, on or before the first day of January of the calendar year for which the license is issued. Each applicant must demonstrate upon written, or written and oral, examination his knowledge of pesticides, their usefulness and their hazards; his competence as a pesticide dealer; and his knowledge of the laws and regulations governing the use and sale of pesticides.

**Pesticide Dealer
Licensing Requirement**

No person shall engage in the business of pesticide applicator within North Carolina unless he is licensed annually by the Board. Each license application shall be accompanied by a nonrefundable fee of \$30 for each applicator's license and an additional \$10 for each aircraft to be licensed. A pesticide applicator is defined as any person who owns or operates a pesticide application business or who provides, for compensation, a service that includes the application of pesticides upon the lands or properties of another; any public operator; any golf course operator; any seed treater; any person engaged in demonstration or research pest control; and any other person who applies pesticides for compensation and is not exempt from this definition. It does not include:

**Pesticide Applicator
Licensing Requirement**

- 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 who applies pesticides for structural pest control, as defined in the North Carolina Structural Pest Control Law (G.S. Chapter 106, Article 4C.)

Each applicant must demonstrate upon written, or written and oral, examination his competence as a pesticide applicator or public operator. In addition, to be licensed as a pilot, a person must have 125 hours and one year's flying experience as a pilot in the field of aerial pesticide application.

No person shall perform services as a pest control consultant without first procuring from the Board a license. The application for a license shall be accompanied by an annual nonrefundable fee of \$30. A pest control consultant is defined as any person who, for a fee, offers or supplies technical advice, supervision, or aid, or recommends the use of specific pesticides for the purpose of controlling insects, plant diseases, weeds, and other pests, but does not include any person regulated by the North Carolina Structural Pest Control Act. Each applicant must demonstrate upon written, or written and oral, examination his competence as a pesticide consultant. An applicant for a pest control license must possess a Ph.D., master's, or bachelor's degree in an agricultural or biological science from an accredited college or university with a minimum of 30 semester hours or 45 quarter hours of credit in subject areas pertinent to the category in which the applicant seeks to obtain a license. Emphasis of study must include insect, plant, bacterial, and fungal pests, as applicable to the category, and integrated pest management.

No person shall handle, transport, store, display, or distribute pesticides in such a manner as to endanger man or his environment.

Every pesticide prior to being distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered and such registration shall be renewed annually. Each manufacturer, distributor, or registrant of a pesticide shall supervise the activities of any employee or agent to prevent the making of deceptive or misleading statements about a pesticide. It shall be unlawful for any person to distribute, sell, or offer for sale any restricted use pesticide to any dealer who does not hold a valid N.C. Pesticide Dealer License.

A registration fee of \$30 for each brand or grade of pesticide is required. An additional \$200 delinquent registration penalty shall be assessed against the registrant

**Pest Control
Consultant
Licensing
Requirement**

**Handling, Storage,
and Disposal of
Pesticides**

Registration

**Registration Fee
and Delinquent
Penalty**

for each brand or grade of pesticide marketed in North Carolina prior to registration.

An annual Pesticide Environmental Trust Fund assessment fee is required for each brand or grade of pesticide registered. This fee is either \$25.00 or \$50.00, based on gross sales of the pesticide within the State for the previous year. The assessments provide funding for agromedicine efforts at East Carolina University and North Carolina State University, for the Toxicology Department at NCSU, and for pesticide environmental programs administered by the N.C. Department of Agriculture & Consumer Services.

**Pesticide
Environmental
Trust Fund
Assessment**

Registration is subject to refusal or cancellation for cause and upon hearing.

**Refusal or
Cancellation of
Registration
Deficiencies**

Any brand or grade found to be deficient or excessive in active ingredients, misbranded, adulterated, or not registered is subject to "Stop Sale, Stop Use Orders."

**"Stop Sale, Stop
Use Orders"**

The Pesticide Board may assess a civil penalty of not more than \$2,000 against any person who violates or directly causes a violation of any provision of this Article or any rule adopted pursuant to this Article. In determining the amount of any penalty, the Board may consider the degree and extent of harm caused by the violation and the cost of rectifying the damage caused by the violation.

**Civil
Penalties**

Notwithstanding any other provision of this Law, the maximum penalty which may be assessed under this section against a "private pesticide applicator" is \$500 and such penalties may be assessed only for willful violations.

**Other
Penalties**

Any person who shall be adjudged to have violated any provision of the Law, or any regulation of the Board adopted pursuant to this Law, shall be guilty of a Class 2 misdemeanor and for each violation shall be liable for a penalty of not less than \$100 or more than \$1,000 or shall be imprisoned for not more than 60 days, or both. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Board, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties.

NOTE: Copies of the North Carolina Pesticide Law of 1971, as amended through 1998, and additional copies of the regulations adopted by the North Carolina Pesticide Board may be obtained upon request to the Pesticide Section, North Carolina Department of Agriculture & Consumer Services P.O. Box 27647, Raleigh, North Carolina 27611

North Carolina Pesticide Board

The North Carolina Pesticide Board is a seven-member, governor-appointed Board charged with the duty of governing pesticide management and control as set forth in the North Carolina Pesticide Law of 1971. The members represent different sectors of the regulated public. Members are appointed from the North Carolina Department of Agriculture & Consumer Services (1), the Department of the Environment and Natural Resources (2) [the State Health Director or the State Health Director designee and an individual representing an environmental protection agency], the agricultural industry (1), the farm population (1), nongovernmental conservationists (1), and an at-large member representing the general public.

The Board adopts rules and regulations and makes policies for the programs outlined in the NC Pesticide Law of 1971. Board members serve staggered four year terms. Appointments to fill vacancies in the Board are of individuals having the same credentials as the predecessor.

The Pesticide Advisory Committee

The North Carolina Pesticide Law of 1971 establishes a twenty-member Pesticide Advisory Committee to advise the NC Pesticide Board on technical questions and on the development of rules and regulations. The Advisory Committee is composed of three practicing farmers, one conservationist (at-large), one ecologist (at-large), one pesticide industry representative, one agribusiness representative (at-large), one local health director, three members of the North Carolina State University College of Agriculture and Life Sciences, one member from the North Carolina Department of Agriculture & Consumer Services, one member from the Department of Environment and Natural Resources, the State Health Director, one representative of a public utility or railroad which uses pesticides, one member from the Board of Transportation, one member from the North Carolina Aviation Association, one member of the general public (at-large), one member actively engaging in forest pest management, and one member representing the Division of Solid Waste Management of the Department of Environment and Natural Resources. Members of the committee serve at the pleasure of the Board.