

SECTION .0600 - BOLL WEEVIL

02 NCAC 48A .0601 DEFINITIONS

For the purposes of this Section, in addition to definitions contained in G.S. 106-65.69, the following shall apply:

- (1) Compliance Agreement. A written agreement between a person engaged in growing, dealing in or moving regulated articles and the North Carolina Department of Agriculture, Plant Industry Division, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the boll weevil;
- (2) Exemptions. Provisions contained in these Regulations which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions;
- (3) Elimination Zone. That portion of this state where eradication of the boll weevil is undertaken as an objective;
- (4) Inspector. Any authorized employee of the North Carolina Department of Agriculture, Plant Industry Division, or any other person authorized by the Commissioner of Agriculture to enforce the provisions of this Section;
- (5) Regulated Area. Any state other than North Carolina or any portion of such state that is infested with the boll weevil;
- (6) Noninfested Area. That portion of this state not included in an elimination zone;
- (7) Seed Cotton. Cotton as it comes from the field prior to ginning;
- (8) Gin Trash. All of the material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton except the lint, cottonseed and gin waste;
- (9) Noncommercial Cotton. Cotton intended for purposes other than processing;
- (10) ASCS. United States Department of Agriculture, Agricultural Stabilization and Conservation Service;
- (11) Farm Operator. Person responsible for production and sale of a cotton crop on any individual farm;
- (12) Used Cotton Harvesting Equipment. Previously utilized cotton equipment used to harvest, strip, transport, or destroy cotton;
- (13) Cotton Crop Residue Destruction. Mowing of cotton plant stalks left in field after harvesting of crop is completed.

History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985;
Amended Eff. May 1, 1992; January 1, 1991.

02 NCAC 48A .0602 REGULATED ARTICLES

The following articles are regulated under the provisions of this Section:

- (1) the boll weevil (*Anthonomus grandis* Boheman) in any living stage of development;
- (2) seed cotton;
- (3) gin trash;
- (4) used cotton harvesting equipment;
- (5) any other products, articles, or means of conveyance, or any character whatsoever, not covered by Subparagraphs (1) to (4) of this Rule, when it is determined by an inspector that they present a hazard of spread of the boll weevil and the person in possession thereof has been so notified.

History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985.

02 NCAC 48A .0603 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES

The following conditions govern the movement of regulated articles:

- (1) A certificate or permit is required to transport regulated articles from a regulated area into or through any elimination zone in this state.
- (2) A certificate or permit is required to transport regulated articles from one elimination zone into or through another elimination zone, and may be required to move regulated articles(s) within an elimination zone when an inspector determines that the regulated article(s) present a hazard of spread and the person in possession thereof has been notified.
- (3) When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.
- (4) Certificates may be issued by an inspector if the regulated articles:
 - (a) have originated in the noninfested area of this state or in a noninfested area of any other state and have not been exposed to infestation at any time;
 - (b) have been treated to destroy infestation in accordance with approved procedure;
 - (c) have been grown, manufactured, stored or handled in such a manner that in the judgment of the inspector no infestation will be transmitted thereby; or
 - (d) when they have been examined by the inspector and found to be free of infestation.
- (5) Permits may be issued by an inspector to allow the movement of noncertified regulated articles for specified handling, utilization, processing, or treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the boll weevil.
- (6) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents or with any conditions contained in a compliance agreement.

*History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985;
Amended Eff. December 1, 1989.*

02 NCAC 48A .0606 COMPLIANCE AGREEMENT

(a) As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement. Any compliance agreement may be cancelled when compliance is no longer required.

*History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985.*

02 NCAC 48A .0607 INSPECTION AND DISPOSAL

An inspector is authorized to stop and inspect any person or means of conveyance moving into, within, or from the State of North Carolina upon reasonable grounds to believe that such means of conveyance or articles are infested with the boll weevil; and such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these Regulations.

*History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985.*

02 NCAC 48A .0608 REPORTING OF ACREAGE: LOCATION OF COTTON ACREAGE

All cotton farm operators and growers of noncommercial cotton in an elimination zone shall submit a Cotton Acreage Reporting Form by July 1 of the current growing season to the county ASCS office. A report shall be filed for each year of participation in the program.

- (1) Noncommercial cotton shall not be planted in an elimination zone except under the conditions of a compliance agreement. Growers of noncommercial cotton in an elimination zone may apply for a waiver to grow cotton in an elimination zone. Applications, in writing, shall be made to the Plant Pest Administrator stating the conditions for requesting such waiver. The decision whether or not to waive all or part of these requirements shall be based on the following:
 - (a) location of growing area;
 - (b) size of growing area;
 - (c) pest conditions in the growing area;
 - (d) accessibility of growing area;
 - (e) any stipulations set forth in a compliance agreement between the individual and the Department of Agriculture that are necessary for the effectuation of the program.
- (2) Written application for waivers shall be made to the Plant Pest Administrator for review.

*History Note: Authority G.S. 106-65.77; 106-65.91;
Eff. January 1, 1985;
Amended Eff. May 1, 1992; December 1, 1988; January 1, 1987.*

02 NCAC 48A .0609 PURCHASE OF COTTON FOR EFFECTUATION OF PROGRAM OBJECTIVES

The Commissioner may purchase growing cotton when he deems it in the best interest of the program. Purchase price shall be based on the ASCS farm established yield for the current year.

History Note: *Authority G.S. 106-65.77; 106-65.91;*
Eff. January 1, 1985.

02 NCAC 48A .0611 PROGRAM PARTICIPATION AND PAYMENT OF FEES

All cotton farm operators in the state are hereby required to participate in the eradication program. Participation shall include timely reporting of acreage and field locations, compliance with regulations, and payment of fees. Farm operators within the elimination zone shall be notified through the extension offices or newspapers of their program costs on a per acre basis on or before March 15.

- (1) Growers are to report all planted cotton by completing a Cotton Acreage Reporting Form and paying a per acre fee at the ASCS office by July 1 of the current growing season.
- (2) The fee is nonrefundable and is to pay for the program's estimated costs as determined by the Commissioner, but will not exceed nine dollars (\$9.00) per acre.
- (3) Growers not reporting planted cotton to ASCS by July 1 of the current growing season will be assessed a three dollar (\$3.00) per acre penalty.
- (4) Growers under-reporting by more than ten percent of the actual planted acreage, as determined by ASCS, will be assessed a penalty of three dollars (\$3.00) per acre on all acreage in excess of the reported acreage.
- (5) All acreage for which fees have not been paid on or before July 15 of the current growing season will be assessed a three dollar (\$3.00) per acre penalty.
- (6) Fees and penalties shall be made payable to the North Carolina Department of Agriculture.

*History Note: Authority G.S. 106-65.74; 106-65.77; 106-65.88; 106-65.91;
Eff. January 1, 1985;
Amended Eff. October 1, 1993; May 1, 1992; January 1, 1991; June 1, 1990.*

02 NCAC 48A .0612 COTTON STALK DESTRUCTION

(a) Upon notification in writing by the Commissioner of Agriculture, any farm operator may be ordered to destroy standing cotton stalks in his fields when it is deemed that such cotton stalks constitute a potential for harboring overwintering population of boll weevils. Such cotton stalk destruction shall consist of shredding or discing as necessary to eliminate standing stalks. Such notification will designate which fields are subject to stalk destruction. Designation of fields subject to stalk destruction will be based on the capturing of at least two adult boll weevils between September 15 and December 15 of a calendar year. Any field which is adjacent to a designated field may also be subject to stalk destruction upon notification by the Commissioner.

(b) Any farm operator subject to the provisions of (a) shall destroy the cotton stalks before February 1 of the following calendar year. Any cotton stalks not destroyed before February 1 shall be treated as regulated articles for the purposes of G.S. 106-65.73. Any field containing such stalks on February 1 shall be quarantined until such stalks are destroyed. Any farm operator who fails to comply with this Rule, absent a waiver as provided in (c), shall be assessed a penalty fee of five dollars (\$5.00) per acre.

(c) Any farm operator subject to the provisions of (a) who cannot destroy cotton stalks before February 1 due to emergency or hardship may apply for a waiver. The application shall be made in writing before January 1 to the Plant Pest Administrator stating the conditions justifying the waiver. The Plant Pest Administrator shall notify the farm operator of his decision within two weeks after receipt of such application. Waivers shall be approved only if justified by emergency or hardship due to meteorological conditions, economic conditions, or other causes beyond the control of the farm operator.

*History Note: Authority G.S. 106-65.73; 106-65.74; 106-65.77;
Eff. December 1, 1985;
Amended Eff. January 1, 1987.*