

**02 NCAC 09L .0402 TOLERANCES**

In regards to establishing tolerances providing for deviations from the guaranteed analysis statement for official samples, the following enforcement standards shall apply:

- (1) A "passed" judgment on a pesticide formulation shall be made if the analytical results are within the following allowable deviations below guarantee:

Pesticide Active Ingredient Guarantee, Percent	Allowable Deviation Below Guarantee
<1.00	15 percent of Guarantee
1.00 - 19.99	0.1 plus 5 percent of Guarantee
20.00 - 49.99	0.5 plus 3 percent of Guarantee
50.00 - 100.00	1.0 plus 2 percent of Guarantee

- (2) A sample result falling outside of the allowable deviations below guarantee shall not be "deficient" if one of the following factors could have contributed to the off-limits analysis:
  - (a) special sampling problems, such as fertilizer-pesticide mixtures and certain granular products; or
  - (b) accuracy, specificity, and reproducibility of the methods used when applied to the particular formulation;
- (3) Allowable deviations, similar to those for "deficiencies," shall not be applicable to pesticide formulations with active ingredients found to be in excess of the guarantee ("overages"). Each sample analysis shall be judged individually as to whether or not the overage is excessive by using the following criteria:
  - (a) no illegal residues resulting from use according to directions;
  - (b) no unreasonable adverse effects to applicator or user;
  - (c) no unreasonable adverse effects to non-target organisms or the environment;
  - (d) stability of ingredients and the need for "over-formulating"; or
  - (e) accuracy, specificity, reproducibility, etc., of the methods used when applied to the particular formulation.

*History Note: Authority G.S. 143-437(1); 143-446;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1988; August 1, 1982; January 27, 1978;  
Readopted Eff. August 1, 2020.*