

**02 NCAC 34 .0805 FUMIGATION REQUIREMENTS: SAFETY AND SAFETY EQUIPMENT**

(a) It shall be the duty and responsibility of the certified applicator or the licensed fumigator in charge of the fumigation, general fumigation, and fumigation operation, to carry out the following:

- (1) instruct each person working with fumigants to know the location, purpose, use and maintenance of personal protective equipment and when and how to use this equipment;
- (2) instruct each employee and each guard assigned to fumigation work to report immediately to the certified applicator or licensed fumigator, any irregularities or emergencies beyond his control.

(b) Each certified applicator or licensed fumigator, when engaged in fumigation work, shall maintain at his business location up-to-date information on the handling and use of fumigants, devices and materials for testing for the presence of fumigants; and safety and testing devices, such as respirators, canisters, self-contained breathing devices, and gas detectors, which are in serviceable condition, as required by the labeling of the fumigant(s) being used.

(c) Certified applicators, licensed fumigators, and all other persons working with fumigants, must be able to perform artificial respiration and have in their possession a chart of instructions for artificial respiration.

(d) Each certified applicator and each licensed fumigator, shall be outfitted with a fumigation safety kit, which shall be maintained in completely serviceable condition and shall be continuously and immediately available at the fumigation site during the fumigation period of each fumigation job in progress. Each member of the fumigation crew shall be familiar with the contents and use of a fumigation safety kit. The fumigation safety kit shall contain a serviceable respirator or self-contained breathing apparatus, as required by the label of the fumigant being used, a gas detector and a flashlight. The respirator or breathing apparatus shall be of a type approved by the United States Mining Enforcement and Safety Administration or National Institute for Occupational Safety and Health with correct canister and gas detector for the type of fumigant used.

(e) If there is an approved antidote first aid kit, as referred to in 02 NCAC 34 .0403 for the fumigant involved and the antidote may be legally administered by the fumigator, such an antidote-first aid kit shall be assembled and maintained in sanitary and serviceable condition and shall be continuously and immediately available at the fumigation site during the application of fumigant(s) and during the ventilation period. It shall contain the specific items required for each and every fumigant in the conduction of business at each business location of the certified applicator or the licensed fumigator and shall otherwise conform to all specifications prescribed by the North Carolina State Board of Pharmacy or the manufacturer. Antidote-first aid kit items shall be labeled individually, and kept in a single, sturdy box marked "Antidote-First Aid Kit."

(f) All exhausted or expired respirator canisters shall be destroyed. No fumigant shall be used in any fumigation operation unless there is a respirator canister for said fumigant approved by the United States Mining Enforcement and Safety Administration or National Institute for Occupational Safety and Health or by the manufacturer of such equipment; or unless a serviceable, protective, self-contained oxygen breathing apparatus or air unit is used.

(g) All fumigants shall be safely stored with regard to fire, explosion, leakage or other hazards to the health and safety of human beings and domestic animals under conditions specified by the manufacturer or supplier or North Carolina State or federal label registration.

*History Note: Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 1977;  
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*