

02 NCAC 48A .1107 EMERGENCY CONDITIONS

- (a) The Commissioner of Agriculture may waive this Section in whole or in part or set standards as to pest or disease tolerances different from those in Rule .1110 of this Subchapter when it has been determined that emergency conditions warrant such action.
- (b) Any grower applying for an emergency waiver shall make verbal application to the Commissioner of Agriculture followed by a written application stating the conditions under which he requests such waiver and certify that he has made an effort to grow his own plants, obtain plants on a local level or obtain plants elsewhere within the states that comply with this Section and that such plants were not available.
- (c) A review committee made up of the Commissioner of Agriculture, the Plant Pest Administrator, Plant Industry Division and a representative of the Dean, School of Agriculture and Life Sciences, North Carolina State University, Raleigh, shall review such requests and reply to the applicant in writing in not less than one working day or more than five working days from the receipt of such application.
- (d) The review committee may upon the application of one or more growers from a given geographical area and upon determination by the committee that an emergency condition exists waive all or part of this Section for a designated geographical area.
- (e) The decision whether or not to waive all or part of this Section will be based on knowledge gained from county agricultural extension agents, tobacco growers, Department of Agriculture personnel, extension tobacco specialists, and other tobacco workers having knowledge of the conditions in the geographical area of the applicant.

History Note: *Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420;*
Eff. April 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24,
2019.