

## SECTION .1000 - AERIAL APPLICATION OF PESTICIDES

### 02 NCAC 09L .1001 DEFINITIONS

All specific words or terms used in this Section shall have the same definitions as shown in the North Carolina Pesticide Law of 1971, G.S. 143-460, unless the context otherwise requires.

- (1) "Agricultural Aircraft Operation" means the operation of an aircraft for the purpose of dispensing any pesticide directly affecting agriculture, horticulture, forest preservation, or for any other pest control operation.
- (2) "Adverse Effect" means personal injury, damage to personal property, damage to real property, damage to the environment, or any combination of these.
- (3) "Aircraft" means a weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surfaces. This shall include either fixed-wing or rotary-wing aircraft.
- (4) "Congested Areas" means the same meaning as described in case law opinions interpreting Title 14 CFR Part 137, Subpart C.
- (5) "Contractor" means any person who owns or manages an aerial application business that is engaged in the custom application of pesticides.
- (6) "Custom Application" means any application of pesticides by aircraft for which service a payment is made.
- (7) "Drift" means the airborne movement of pesticides resulting from the application of pesticides such as to carry the pesticides beyond the target area.
- (8) "Emergency" means an occurrence that can impair public health or safety or result in injury, damage, or loss of life that calls for action. An emergency may be minor or of such magnitude as to create a disaster.
- (9) "Environment" means water, air, land, plants, man and other animals living therein and the interrelationships which exist among these.
- (10) "F.A.R.-137" means Title 14 CFR Part 137, incorporated by reference, including subsequent amendments and editions, relating to agricultural aircraft operations. This document may be accessed at <https://www.law.cornell.edu/cfr/text/14/part-137>.
- (11) "Pilot" means the person in control of the aircraft during the application of a pesticide.
- (12) "Registered Apiary" means any place where one or more colonies of bees are kept and registered with the North Carolina Department of Agriculture and Consumer Services.
- (13) "Respirator" means a respirator or mask of a type that has been tested by the National Institute of Occupational Safety and Health and found to be satisfactory for protection against the particular pesticide being used.
- (14) "Spray Equipment" means the equipment used for spraying liquid mixtures of pesticides in an agricultural aircraft operation.
- (15) "Target Area" means intended site of pesticide application.
- (16) "Toxicity Category I Pesticides" means any pesticide products that are required to display the signal word "Danger" on the label.

*History Note: Authority G.S. 143-458; 143-463;  
Eff. July 2, 1976;  
Amended Eff. January 1, 1985;  
Readopted Eff. August 1, 2020.*