

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 or her fields when it is deemed by the Plant Pest Administrator that the cotton stalks constitute a potential for harboring overwintering population of boll weevils. As determined by the Plant Pest Administrator, the cotton stalk destruction shall consist of shredding or discing as necessary to eliminate standing stalks. The 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 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 Paragraph (a) of this Rule 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 the stalks on February 1 shall be quarantined until the stalks are destroyed. Any farm operator who fails to comply with this Rule, absent a waiver as provided in Paragraph (c) of this Rule, shall be assessed a penalty fee of five dollars (\$5.00) per acre.

(c) Any farm operator subject to the provisions of Paragraph (a) of this Rule who cannot destroy cotton stalks before February 1 due to emergency or hardship may apply for a waiver by submitting a letter 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 or her decision within two weeks after receipt of such application. The Plant Pest Administrator is located in the Plant Industry Division and can be contacted by calling the Division at 919-707-3730. 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;
Readopted Eff. January 1, 2021.*