

## **02 NCAC 34 .0807      FUMIGATION NOTICES**

(a) Each licensed fumigator, before performing fumigation on any residential structure, shall notify the Division in advance of the fumigation. Such notification must be received by the Division five days in advance of the fumigation. The committee, at its discretion, may require a pest control inspector to inspect the structure or premises to be fumigated in advance of the fumigation. The committee or its authorized agent may waive the five day advance notice period for an individual fumigation if after reviewing the circumstances it determines such action to be justifiable. The licensee or his authorized agent shall notify the Division in advance of any cancellation, or any change in the date of the fumigation. Failure of the licensee or his authorized agent to notify the Division as specified herein is grounds for disciplinary action by the committee.

(b) Each certified applicator or licensed fumigator, before performing fumigation in any structure or enclosed space, shall notify the police department and fire department having jurisdiction over the location where the fumigation operation is to be performed, and owners, owners-agents, and occupants of all dwellings and places of business within ten feet of the structure(s) or enclosed space(s) to be fumigated. In rural areas having no fire department, the office of the sheriff and county health departments having jurisdiction over the location where the fumigation operation is to be performed, shall be notified before performing fumigation. The information given in such notices shall in each and every case be as follows:

- (1) name of certified applicator or licensed fumigator in charge of fumigation operation together with his day and night telephone numbers, if different;
- (2) name and address of the company which the certified applicator or the licensed fumigator represents;
- (3) location and/or address of structure(s) or enclosed space(s) to be fumigated as well as its character and use;
- (4) name of fumigant used;
- (5) date and time of the release of fumigant and approximate fumigation exposure period.

(c) The requirements of prior notification of fumigation as set forth in Rule .0807 (b) of this Section shall apply at all times to inhabited vessels of all types and classes excluding commercial freighters, and to house trailers or mobile homes. This requirement of prior notification of fumigation shall not apply to fumigation operations performed in or by means of special rooms, vaults, chambers, tanks, and similar structures or to the fumigation of railroad box cars, trucks, aircraft or common carriers or to the fumigation of insects, pests or rodents in an open area or to spot fumigation operations. The fumigation of common carriers shall be performed in accordance with the latest rules and regulations of the United States Interstate Commerce Commission, Federal Department of Transportation, and other federal agencies where applicable.

(d) Upon specific request prior notification of fumigation, as set forth under Rule .0807 (b) of this Section and prior notification of fumigation performed under Rules .0801(b) and .0812 of this Section, shall be made to the enforcement agency and/or the committee, on each and every fumigation operation prior to the time originally set for the release of the fumigant.

(e) Notice of warning must be served by the certified applicator or licensed fumigator upon the adult occupant responsible for the structure(s) or enclosed space(s) to be fumigated not later than three hours in advance of and before any fumigation operation. If adult occupant responsible for the structure(s) or enclosed space(s) is not present, said notice of warning shall be attached in a conspicuous manner on the entrance or entrance(s) to such structure(s) or enclosed space(s) occupied by human beings.

(f) The certified applicator or licensed fumigator shall, prior to the fumigation operation, advise the property owner or holder of such materials, such as food and drugs, which may be contaminated or damaged by the fumigant(s) to be used and shall hand said property owner or holder a printed list of items to be removed from the structure(s) or enclosed space(s) as required on the registered label of the fumigant to be used, and other precautions to be taken by the property owner or holder.

(g) No vessel shall be fumigated until the captain or other responsible officer shall have furnished to the certified applicator or licensed fumigator in charge of the fumigation operation a signed statement that he has mustered the vessel's crew and caused the members thereof and all other persons aboard the vessel to leave and remain away from such vessel during the fumigation operation, and that he shall not permit their return until a certificate of clearance signed by the certified applicator or licensed fumigator in charge of the fumigation operation has been delivered to the captain or other responsible officer, or in their absence, conspicuously posted, stating the vessel is safe for human occupancy.

*History Note:      Authority G.S. 106-65.29;  
Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. August 20, 1980; August 1, 1980;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*