

02 NCAC 34 .0810 PRE-INSPECTIONS: WARNING NOTICES AND GUARDS

(a) Immediately before the fumigant(s) is to be applied or introduced into a structure or enclosed space, the certified applicator or licensed fumigator, in charge of the fumigation operation shall make a final, personal inspection of the structure or enclosed space and shall ascertain the following:

- (1) That all preparations have been completed;
- (2) That no human being or domestic animal is present within the structure or enclosed space to be fumigated, or any adjacent structures or enclosed spaces that were to be vacated because of danger from the fumigation operation;
- (3) That no open fires, open flames, pilot lights, or oil lamps are burning;
- (4) That all personnel not engaged in the fumigation operation are outside the structure or enclosed space to be fumigated;
- (5) That all known foods, drugs or other materials subject to contamination by the fumigation have been removed from the structure or enclosed space to be fumigated;
- (6) That all doors, windows, and all other means of access to the structure or enclosed space, except exits to be used by the fumigation crew, have been locked or barred. Such exits shall be secured in like manner promptly after the fumigant has been released or introduced into the structure(s) or enclosed space(s); All doors and other entrances which can be opened from the outside shall be secured and the building, remain in the possession of the certified applicator or licensed fumigator in charge of the fumigation operation for the entire fumigation period;
- (7) Rule .0810(a)(6) of this Section shall not apply to complete general fumigation performed by means of tents, tarpaulins or other complete sealing covers where there is a guard on duty, or to spot fumigation.

(b) Prior to the application or release of fumigant(s), suitable warning signs shall be securely and conspicuously posted at the ground level on all doors and entrances to the structure and at least one warning sign on each side of the structure, common carrier or enclosed space to be fumigated (in tent fumigations warning signs shall be placed securely and conspicuously on the outside of the tents or covers in the above indicated locations); at all doors and entrances to common carriers or enclosed spaces to be fumigated; upon all gangplanks, ladders, etc., from the dock, pier or land to the vessel, as follows:

(Skull	DANGER	(Skull
And	FUMIGATING WITH	And
Crossbones)	(Name of Fumigant)	Crossbones)

DEADLY POISON
ALL PERSONS ARE WARNED TO KEEP AWAY

Name of Fumigator _____

Address _____

Day Telephone Number _____

Night Telephone Number _____

Such warning signs shall not be less than 10 inches by 12 inches, printed, painted, or made in indelible, red ink or paint, insoluble in water, upon a white background. The words "Danger" and "Deadly Poison" shall be in block lettering at least two inches high. The name of the fumigant shall be at least five-eighths of one inch high. The skull and crossbones shall be at least one inch high. All other lettering on the warning sign shall be not less than one-fourth of one inch high.

(c) Requirements and Duties of Guards and Watchmen

- (1) Persons designated and assigned as guards or watchmen are required on the site during the entire fumigation period and until the structure(s) or enclosed space(s) has been ventilated and declared safe for occupancy. All guards shall be capable, awake and alert and remain on duty at all times at the structure(s) or enclosed space(s) being fumigated.

- (2) One guard or watchman shall be considered sufficient for each fumigation operation, unless, in the judgment of the certified applicator or licensed fumigator in charge of the fumigation operation, the conditions and circumstances necessitate additional guards or watchmen.
 - (3) It shall be the duty of the guards or watchmen to prevent the entrance of unauthorized personnel into said structure(s) or enclosed space(s) or danger area(s) while the structure(s) or enclosed space(s) is being fumigated, and after the exposure period and during the ventilation period.
 - (4) The guard(s) or watchman(men) shall also make frequent inspections of tarps or other sealing covers, and shall make, or cause to be made, necessary repairs, and shall immediately notify the certified applicator or licensed fumigator in charge of the fumigation operation, of any irregularities or emergencies beyond their control, including damaged or opened tarps, tarpaulins, or covers.
 - (5) Guards and watchmen shall be properly instructed and shall be under the immediate supervision of the certified applicator or licensed fumigator in charge of the fumigation operation, during and throughout the entire fumigation period.
- (d) If during the fumigation operation the enforcement agency finds a condition(s) present that is hazardous to public health, the enforcement agency shall halt said fumigation operation until such time that the hazardous condition(s) is corrected.

*History Note: Authority G.S. 106-65.29;
Eff. July 1, 1976;
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Amended Eff. August 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*