

Document title

# **Pesticides**

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**EVC-SUBS-00021**

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**Glossary**

## **1.0 BACKGROUND**

This chapter applies to Progress Energy facilities storing pesticides and to any employee who applies pesticides or supervises the application of pesticides (which include weed killers and lawn and garden insecticides) at any Company facility (plant areas, parking lots, rights-of-way, substations, etc.) as part of his/her job.

In general, pesticides are any agent used to control an organism or pest. They include substances used to disinfect, sanitize, reduce or mitigate growth or development of microbiological organisms and to protect industrial processes or systems, surfaces, water or other chemical substances and inanimate objects (i.e. floors and walls) from contamination, fouling or deterioration caused by bacteria, viruses, fungi, protozoa, algae or slime.

This chapter covers requirements for pesticide:

- Applicators
- Labels
- Bulk container storage and
- Disposal

Failure to comply with these regulations may result in fines up to \$50,000, one year imprisonment, or both.

## **2.0 PROGRAM REQUIREMENTS**

### **2.1 Company**

Most pesticide applications at Progress Energy, its associated facilities, and rights-of-way are made by appropriately licensed contractors.

All pesticide applications at Progress Energy facilities should be coordinated through facility maintenance personnel.

Disposing of unwanted pesticides is expensive and has environmental hazards and legal responsibilities; it is important to minimize the need for disposal by:

- Carefully planning applications to purchase the correct amount of pesticide and minimize excess.
- Storing unused portions of pesticides properly until they can be used.

**2.2 Federal**

**A. Pesticide Labels**

The United States Environmental Protection Agency (USEPA) definition of a pesticide includes products stored in mobile or stationary bulk containers which remain in the custody of the user.

- Federal regulations do not define a bulk container
- Mobile or stationary bulk containers must have a copy of the label securely attached to the container in the immediate vicinity of the discharge control valve

All pesticide containers received from a manufacturer, distributor, or refiller, including bulk containers, must be properly labeled to include:

- The name, brand or trademark under which the product is sold
- The name and address of the producer, registrant or person for whom produced
- The net contents (for a pesticide product packaged in a refillable container, an appropriately sized area on the label may be left blank to allow the net weight or measure of content to be marked by the refiller prior to distribution or sale)
- The product registration number
- The producing establishment number
- An ingredient statement
- Hazard and precautionary statements for human and domestic animal hazards and for environmental hazards
- The directions for use, including specific directions concerning the storage, residue removal and disposal of the pesticide and its container
- The use classification(s)

EPA defines pesticide service containers as “any container used to hold, store, or transport a pesticide concentrate or a pesticide use-dilution mixture, other than the original labeled container in which the product was distributed or sold, the measuring device or the application device.”

- The labeling of service containers is not currently regulated by EPA; however, OSHA hazard communication standards for labeling should be followed.
- HazComm (see [SAF-SUBS-00016, Item V. Number B. Labeling](#)) requires that a container be labeled with:
  - ✓ the identify of the hazardous chemical, and
  - ✓ appropriate hazard warning(s) regarding the physical and chemical hazards.

Pesticides obtained from custom blenders or custom mixers should be labeled with the following information:

- Product name;
- EPA registration number;
- Name and percentage of active ingredient, followed by the phrase "The product in this container is diluted as directed on the pesticide product label."
- Signal word and precautionary statements from the registered label unless the registrant has acute toxicity data supporting a lesser precautionary statements for the diluted product;
- Use classification (restricted or general use); and
- The statement: "Follow the directions for use on the pesticide label when applying this product."

## **B. Pesticide Application**

Pesticide labels are a method of communication between the manufacturer and applicator. It gives the applicator instructions on using the product safely and correctly.

Applicators are required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to apply the pesticide according to the instructions on the label and to observe any other precautionary statements on the label. These may include:

- The use of special protective clothing or equipment,
- Sites where the use of the pesticide is prohibited, and
- Other special precautions that must be observed.

**It is a violation of federal law to use a pesticide in a manner inconsistent with its label.**

**C. Pesticide and Container Disposal**

If the pesticide cannot be used, it must be disposed of in a hazardous waste facility approved by the EPA (see [EVC-SUBS-00016](#) for more information). This is costly and time consuming, and should be avoided if possible.

Metal, plastic, or glass containers containing liquid pesticides should be drained into the spray tank for thirty seconds after the pesticide starts to drip. The container should be triple rinsed, then punctured or broken and disposed of in a solid waste collection system. Some counties will recycle the containers.

Containers of non-liquid pesticides should be emptied as much as possible and then cut or broken open and triple rinsed, if possible. They may be disposed of in a solid waste collection system or, if possible, recycled.

**2.3 Florida**

**A. Pesticide Application**

Florida governs pesticide applications under two laws.

**1. The Florida Structural Pest Control Act**

The Structural Pest Control law and its associated regulations govern:

- Restricted or General Use pesticide applications by employees in, on, or under structures on Progress Energy property.
- Restricted or General Use pesticide applications by employees to lawns and ornamentals on Progress Energy property.

Progress Energy Florida Employees who apply Restricted and General Use pesticides for structural pest control on Progress Energy property must have a Limited Certification for Governmental Pesticide Applicators or Private Applicators license.

Under the [Florida Limited Certification](#), there is no provision for supervising pesticide applications by uncertified individuals.

Uncertified individuals can work under the supervision of a Certified Operator employed full-time by Progress Energy.

Licenses are issued by the [Florida Department of Agriculture and Consumer Services \(FDACS\), Bureau of Entomology and Pest Control](#).

Limited certification is not required for the application of:

- Disinfectants,
- Sanitizers, or
- Ready-to-use pesticide products sold over the counter at retail.

Lawn maintenance companies cannot make pesticide applications to turf areas of a Progress Energy facility property in Florida (they are restricted to fertilizer applications only).

- Commercial landscape personnel can obtain a limited certification as applicators under the Structural Pest Control Act to apply herbicides, fungicides, and insecticides with the signal word “caution” to plant beds and ornamental plants.
- These applicators are limited to portable, hand-held 3 gallon compressed air sprays or backpack sprayers with no more than a 5 gallon capacity. No power equipment can be used.
- Individuals certified to make this type of application receive a numbered identification card with a number beginning with “JL.”
- Progress Energy Florida employees should ask to see this credential before allowing contract individuals to make pesticide applications at Progress Energy facilities.

A notice must be posted in a conspicuous location at the time of a pesticide application to a lawn or to exterior foliage. The following requirements apply to this notice:

- Must meet minimum size limits of 4” X 5”,
- Must be constructed of rigid durable weatherproof material,
- Must have background and lettering of contrasting color,
- Must have lettering of a specified size
- Must have the business name of the licensee making the pesticide application.

**2. The Florida Pesticide Law**

The Florida Pesticide Law and its associated regulations require individuals to have a:

- Restricted Use Pesticide Applicator License to apply or to supervise application of Restricted Use pesticides on agricultural or related sites, including, but not limited to:
  - ✓ Plant nurseries,
  - ✓ Forests,
  - ✓ Ornamentals and turf not associated with structures,
  - ✓ Right-of-way areas,
  - ✓ Aquatic weed control, and
  - ✓ Wood treatment.
- Commercial license for all contract (for hire) applications made to property not owned or rented by the applicator or his/her employer (including right-of-way applications).

Licenses and Certifications are obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, [Pesticide Certification Section](#).

Restricted Use pesticides must be stored and maintained in a secure manner and cannot be readily accessible to unauthorized employees.

**2.4 North Carolina**

**A. Pesticide Application**

As employees of a public utility, Progress Energy employees in North Carolina are defined as public operators and must have a pesticide applicator’s license or work under the supervision of an employee who has a pesticide applicator’s license to apply any Restricted Use pesticide and almost all General Use pesticides.

A pesticide is considered to be applied under the supervision of a licensed applicator if it is applied by a competent person who is acting under the instructions and control of a licensed applicator who is available if and when needed; even though the licensed applicator is not physically present at the time and place the pesticide is applied.



- By ensuring a response can be provided if and when needed, and that training on label directions is provided, licensed applicators can maintain an adequate span-of-control over persons working under their license.

Examples of pesticide applications where employees must have a valid pesticide applicator's license or to work under the supervision of a licensed applicator include:

- Application of any Restricted Use pesticide;
- Application of any herbicide around Company facilities or in rights-of-way;
- Control of mosquito populations;
- Insect control in power line rights-of-way; and
- Pest control in ornamental plantings and lawns at plant, office, and substation sites.

Examples of pesticide applications in North Carolina where employees are not required to have a valid pesticide applicator's license or to work under the supervision of a licensed applicator include:

- Control of household pests (including bees, wasps, and ants) using General Use pesticides applied by full-time Progress Energy employees inside or directly around structures on company-owned property (i.e., applications of General Use pesticides that fall within the definition of structural pest control).
- Use of General Use antimicrobial (germ-killing) pesticides for routine cleaning.

Employees must have the appropriate license for the type of pest control undertaken (i.e. aquatic, forest, right-of-way, or public health).

It is the responsibility of licensed employees and employees working under their supervision to know and follow all of the federal and state regulations pertaining to the application, storage, and disposal of pesticides.

## **B. Pesticide Storage**

All pesticides must be stored to prevent leakage and to facilitate inspection.

**No pesticides may be stored in unlabeled containers.**

Pesticides must not be stored in a manner that **could** cause contamination of:

- Food,
- Beverages,
- Eating utensils,
- Tobacco,
- Feeds, or
- Anything likely to result in the accidental ingestion by humans or domestic animals.

The storage site should be:

- Dry,
- Protected from freezing (for liquids),
- Ventilated,
- Free of combustible materials, and
- Secure from unauthorized access when unattended.

Conditions that constitute improper storage of pesticides are listed on the [Storage Facility Inspection Form](#) used by the North Carolina Department of Agriculture And Consumer Services, [Structural Pest Control and Pesticides Division](#).

In North Carolina, public operators and commercial pesticide applicators storing **any quantity** of Restricted Use pesticides must meet additional commercial storage requirements. **For this reason, Company employees should avoid storing any Restricted Use pesticides on site.**

The additional commercial storage requirements include:

- Storage in a locked area with a warning sign posted beside the entrance stating “Pesticide Storage,” “Authorized Personnel Only,” “In Case of Emergency Call (name and telephone number of appropriate emergency contact).”
- Maintenance of suitable adsorptive materials such as clay, sand, sawdust, or lime to respond to any pesticide spills.

- Development of a prefire plan.
  - ✓ Plan must be submitted to and approved by the fire department with jurisdiction over the storage area.
  - ✓ This prefire plan should be filed at the storage facility and at the fire department.
  - ✓ A written request must be made to the fire department to conduct no less than an annual inspection of the facility.
- Maintenance of an inventory list of the brand names and formulations of stored pesticides that is updated every 30 days and maintained in a separate area from the storage facility.

**C. Bulk Containers and Storage Tanks**

The North Carolina Department of Agriculture regulates all bulk storage tanks (500 gallons and greater); these tanks must be registered with the Department of Agriculture. All bulk containers must meet the following:

- Outlet, filler and access ports shall be locked at all times when not in use. Bolted access ports are sufficient and don't require a lock.
- The appropriate signal words as shown on the label shall be shown on all four sides of the containers and storage tanks or those sides exposed to view. All letters of said words shall be a minimum of 4" high by 1" wide and shall be in contrasting colors to the containers and storage tanks.
- At the entrance to the site or near the containers and storage tanks, the owner or operator shall post a durable sign (minimum of 8" x 10") warning of hazardous pesticides in the area.
- The owner or operator shall maintain records showing, by date, current volumes of pesticides in registered containers and storage tanks.
- The North Carolina Dept. of Agriculture will complete an annual inspection of all registered storage tanks or containers.
- The owner or operator must notify the North Carolina Dept. of Agriculture at least 10 days in advance of plans to relocate any registered storage tank or container.

**2.5 South Carolina**

**A. Pesticide Application**

The state of South Carolina requires a license to apply **both** General Use and Restricted Use pesticides in the following categories:

- Structural Pest Control
- Landscape, Turf and Ornamental Pest Control
- Aquatic Pest Control
- Public Health Pest Control

In South Carolina, the following categories do not require licenses for application of general use pesticides:

- Agricultural Pest Control
- Forest Pest Control
- Right-of-Way Pest Control

The application of **any** (either General or Restricted Use) pesticide for the mandatory licensing categories listed above: structural; landscape, turf and ornamental; aquatic; and public health pest control by an **employee** or a **contractor** require a South Carolina pesticide applicator's license. A contractor hired by Progress Energy for maintenance or janitorial work must have an applicator's license to apply pesticides (General and Restricted Use) for structural control; landscape, turf, and ornamental; aquatic; or public health applications on company property.

Any application or any supervision of the application, of Restricted Use pesticides requires a pesticide applicator's license issued by the [South Carolina Division of Regulatory and Public Service Programs](#).

**B. Bulk Container and Storage Tanks**

The South Carolina Department of Pesticide Regulation regulates bulk pesticide storage containers but does not define a bulk container. All bulk containers must meet the following:

- Ensure that the bulk storage container bears a securely attached copy of the accepted label or labeling, including all direction for use, in the immediate vicinity of the discharge control valve.
- Ensure the container is provided with suitable sample points to permit withdrawal of samples.

**3.0 PERMITS & CERTIFICATIONS**

**3.1 Company**

N/A

**3.2 Federal**

Federal pesticide regulations require that application of any pesticide classified as Restricted Use be made by certified applicators or persons working under their supervision. Under FIFRA, individual states are mandated to implement plans for certifying and licensing applicators.

**3.3 Florida**

Florida requires the following licenses:

- The Limited Certification for Governmental Pesticide Applicators or Private Applicators, Structural Category is required for application of both General and Restricted Use pesticides by employees on Progress Energy property in Florida. This includes pesticide applications in, on, or under a structure as well as pesticide applications to ornamentals and turf associated with a structure.
  - ✓ Certification is obtained from the Florida Department of Agriculture and Consumer Services, [Bureau of Entomology and Pest Control](#).
  - ✓ Application for exam is made to the Bureau of Entomology and Pest Control and applicant then makes arrangements with the local County Extension Service to take the exam.
  - ✓ The examination fee to obtain a structural pest control or lawn and ornamental pest control limited certification is \$150.00. Recertification fees of \$25.00 are then due once every four years.
- The Certified Operator license category under structural pest control applies primarily to people whose primary occupation is a pest control business.
- The Commercial Applicator License for Restricted Use pesticides are not normally used by Progress Energy but if the need arises an employee can obtain a Commercial Applicator's license. In Florida, this covers applications of Restricted Use pesticides to agricultural or related sites including forests and rights-of-way.
  - ✓ Commercial Applicator licenses are available from the Florida Department of Agriculture and Consumer Services Pesticide Certification Office.
  - ✓ The Commercial Applicator License fee is \$160.00.

**3.4 North Carolina**

Employees who apply or supervise the application of pesticides in North Carolina must be certified and licensed by the North Carolina Department of Agriculture.

- North Carolina utility company applicators are classified as **Public Operators** and must hold a license in at least one of the following categories or work under the supervision of an individual who is licensed in the appropriate category:

CATEGORY	TYPE OF APPLICATION
Aquatic	In and around water
Forest	In large forested areas
Rights-of-Way	In transmission and distribution line corridors, power plant grounds, substations, etc.
Ornamental and Turf	Maintenance of ornamental trees, shrubs, flower and turf
Public Health	Outdoors to protect human health (for example, mosquito control)

A license fee of \$50.00 must be paid annually to the N.C. Department of Agriculture to renew a pesticide applicator license.

A license is obtained by passing an examination administered by the North Carolina Department of Agriculture.

After successfully completing the license examination, pesticide applicators are certified to apply or supervise pesticide applications for a 5-year period. After this 5-year period, licenses will not be renewed unless the applicator has obtained approved Continuing Certification Credits or has retested (refer to [Section 4.4- Training Requirements, North Carolina.](#))

**3.5 South Carolina**

South Carolina requires an applicator's license for pesticides classified as Restricted Use.

Additionally, because a license is required when a structural; landscape, turf and ornamental; aquatic; or public health pest control application is made for hire on “the property of another” all employees or contractors making applications in these categories must be licensed.

If the need arises, an employee can obtain an applicator's license from the South Carolina Division of Regulatory and Public Service Programs at Clemson University.

Commercial applicators must accomplish the following prior to being certified and licensed in South Carolina:

- Demonstrate financial responsibility
- Pass a basic examination, known as the core examination, dealing with the minimum amount of subject matter considered essential to the use of Restricted Use pesticides. The fee for this exam is \$75.
- Pass a separate specific examination on each particular classification category of certification for which the applicant has applied; the fee is \$25.
- Complete an application form supplied by the Department of Pesticide Regulation. Commercial applicators must pay a fee of \$50.00.

#### **4.0 TRAINING REQUIREMENTS**

##### **4.1 Company**

N/A

##### **4.2 Federal**

Refer to specific state requirements for training.

##### **4.3 Florida**

Training to prepare for the Limited Certification examination in Florida should include a review of:

- The [Structural Control Pest Act, Chapter 482, Florida Statutes](#)
- Rules of the Department of Agriculture and Consumer Services, [Chapter 5E-14, Florida Administrative Code](#), and
- Applying Pesticides Correctly – A Guide for Pesticide Applicators, 6th Edition (this can be obtained from IFAS Publications, Building 664, Gainesville, Florida, 32611, (800) 226-1764)

Recertification is required every four years after completing 4 hours of acceptable continuing education.

Training materials are available to prepare for the Commercial Applicator License examination.

- These materials can be obtained from the University of Florida Publications Office (1-800-226-1764).
- Training classes are provided by Florida Cooperative Extension Service.
- Licenses must be renewed every four years after either completing the appropriate number of Continuing Education Units for the license category or retaking the exam.

All licensed applicators supervising employees who apply pesticides should provide training on label directions for each pesticide used. The licensed applicator assumes responsibility for violation of pesticide regulations by employees working under his/her supervision.

#### **4.4 North Carolina**

Applicants for a pesticide license in North Carolina must successfully complete an examination for each license category (such as public health, right-of-way, ornamental and turf, etc.). Training is advisable, although not required, to successfully complete the examination.

The North Carolina Cooperative Extension Service offers training classes 1.5 days in length at various locations around the state or the applicant can obtain manuals for self-study.

Information on training classes, dates, study manuals, and registering for examinations can be obtained at the [North Carolina Department of Agriculture, Structural Pest Control and Pesticides](#) Division web site.

Based on their license category(s) pesticide applicators must obtain a certain number of Continuing Certification Credits within each five year period. Training must be approved by the Pesticide Board and may consist of:

- Seminars,
- Short courses, or
- Other presentations taught by extension pesticide personnel or other privately or publicly sponsored training organizations.

If adequate certification credits are not obtained, the applicator must retake the examination at the end of the 5-year period. Continuing Certification Credit requirements for each license category are:



LICENSE CATEGORY	CONTINUING CERTIFICATION CREDIT REQUIREMENTS
Aquatic	6 credits per 5-year period
Public Health	6 credits per 5-year period
Forest	6 credits per 5-year period
Right-of-Way	4 credits per 5-year period
Ornamental and Turf	10 credits per 5-year period

All licensed applicators supervising employees who apply pesticides should provide training on label directions for each pesticide used. The licensed applicator assumes responsibility for violation of pesticide regulations by employees working under his/her supervision.

**4.5 South Carolina**

The [Department of Pesticide Regulation](#) at Clemson University provides training materials to prepare for the required licensing examination. Information on licensing and training materials is provided at their web site.

Recertification periods for commercial applicators in South Carolina are five year periods, beginning January 1, 1994 and ending December 31, 1998, and every five years thereafter (2003, 2008, 2013).

- A commercial applicator who, for the first time, receives his applicator's license during a given recertification period is not required to complete any recertification credit during that period.
- However, the commercial applicator must successfully complete ten Continuing Certification Hours of training during the next succeeding recertification period before his commercial applicator's license will be renewed.
- Alternatively the applicator may complete the initial licensing requirements. All Continuing Certification Hours must be approved in advance by the Department of Pesticide Regulation.

All licensed applicators supervising employees who apply pesticides should provide training on label directions for each pesticide used.

- The licensed applicator assumes responsibility for violation of pesticide regulations by employees working under his/her supervision.

**5.0 RECORD KEEPING REQUIREMENTS**

**5.1 Company**

Progress Energy recommends that facilities maintain records of ALL pesticide applications for the life of the facility. If any questions should arise concerning possible effects from an application, it is useful to have a record of past applications. At a minimum, the following information should be recorded for each application:

- Name of applicator(s),
- Location or site where the application was made,
- Date of application,
- Name of pesticide used,
- Amount of pesticide used.

**5.2 Federal**

For application of Restricted Use pesticides, certified commercial applicators must keep the following routine operational records for two years:

- Kinds,
- Amounts,
- Uses,
- Dates, and
- Places of application.

The applicator must ensure that such records will be available to appropriate State officials.

**5.3 Florida**

State regulations require that records be made and maintained only for applications of Restricted Use pesticides.

**5.4 North Carolina**

State regulations require that records be made and maintained only for applications of Restricted Use pesticides.

**5.5 South Carolina**

State regulations require that records be made and maintained, of all pesticides used, by each:

- Company or firm employing licensed commercial or noncommercial pesticide applicators,
- Each licensed commercial applicator, if self-employed, and
- Employer of each licensed noncommercial applicator.

The record must include:

- The quantity of each pesticide used, received, or purchased;
- Common chemical name of the active ingredient (not the product name); and
- The pest or purpose for which the pesticide was applied;
- The date and place of application.

For general household insect control or for general insect control measures in commercial and industrial establishments, it is not necessary to list the pests involved. Merely indicate “household pests” or “general insect control”.

Records must be maintained for a period of two years from the date of the application.

The Director of the Department of Pesticide Regulation can request records of all pesticides used by any applicator.

**6.0 SELF-ASSESSMENTS**

[FRM-SUBS-00063](#) Environmental Self-Assessment Program Other Items Compliance Checklist Form

**7.0 REFERENCES**

**7.1 Company**

[Agency Links](#)

[EVC-SUBS-00016](#) Hazardous Waste Management

[EVC-SUBS-00030](#) Environmental Organizations: Roles and Responsibilities

**7.2 Federal**

Legislation: [U.S. Code Title 7, Chapter 6, Subchapter II](#): Environmental Pesticide Control (Federal Insecticide, Fungicide, and Rodenticide Act - FIFRA)

Regulation: [Code of Federal Regulations Title 40, Part 152](#): Pesticide Registration and Classification Procedures  
[Code of Federal Regulations Title 40, Part 162](#): State Registration of Pesticide Products  
[Code of Federal Regulations Title 40, Part 171](#): Certification of Pesticide Applicators

**7.3 Florida**

Legislation: [Title XXXII, Chapter 482](#): Structural Pest Control Act  
[Title XXXII, Chapter 487](#): Florida Pesticide Law

Regulation: [Florida Administrative Code Rule 5E-14](#): Pest Control Regulations  
[Florida Administrative Code Rule 5E-2](#): Pesticides

**7.4 North Carolina**

Legislation: [North Carolina General Statutes Chapter 143, Article 52](#): Pesticide Board (North Carolina Pesticide Law of 1971)  
[North Carolina General Statutes Chapter 106, Article 4C](#): Structural Pest Control Act

Regulation: [Title 2, North Carolina Administrative Code, Chapter 9](#), Subchapter 9L: Pesticide Section  
[Title 2 North Carolina Administrative Code, Chapter 34](#): Structural Pest Control Division

**7.5 South Carolina**

Legislation: [Title 46, Chapter 13](#): South Carolina Pesticide Control Act

Regulation: [South Carolina Regulations 27-17](#): South Carolina Pesticide Control