



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

July 16, 2020

Christina Waggett
Rulemaking Coordinator, Pesticide Board
Sent via email only: christina.waggett@ncagr.gov

Re: Objection to Rules 02 NCAC 09L .0101, .0515, and .0529

Dear Ms. Waggett:

At its meeting this morning, the Rules Review Commission objected to 02 NCAC 09L .0101, .0515, and .0529 in accordance with G.S. 150B-21.10.

The Commission objected to Rule 02 NCAC 09L .0101 for lack of necessity. The language does not meet the definition of a “rule” because it does not set a standard of general applicability. Instead, it concerns internal agency management.

The Commission objected to Rule 02 NCAC 09L .0515 for ambiguity because the Rule does not specify which “applicants” or types of licensure it was regulating. It is also unclear whether an applicant can take the exam a total of three times or whether an applicant can take up to three exams each year until passage.

The Commission also objected to Rule 02 NCAC 09L .0529 for lack of necessity. The Rule states it applies “prior to January 1, 2017.” Since the contents of the Rule are no longer in effect, the Commission objected due to lack of necessity.

Please respond to these objections in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

Ashley Snyder
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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Clerk’s Office
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Division
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An Equal Employment Opportunity Employer



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July 16, 2020

Thomas J. Ziko, Interim General Counsel
State Board of Education
Sent via email only to: Thomas.Ziko@dpi.nc.gov

Re: Extension of the Period of Review for All Rules Submitted in 16 NCAC 06B, 06D, 06E, and 06G

Dear Mr. Ziko:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the State Board of Education to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Ashley Snyder
Commission Counsel

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July 16, 2020

Thomas J. Ziko, Interim General Counsel
State Board of Education
Sent via email only to: Thomas.Ziko@dpi.nc.gov

Re: Extension of the Period of Review for All Rules Submitted in 16 NCAC 06C

Dear Mr. Ziko:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rule in accordance with G.S. 150B-21.10. They did so in response to a request from the State Board of Education to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rule or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber May
Commission Counsel

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July 16, 2020

Thomas J. Ziko, Interim General Counsel
State Board of Education
Sent via email only to: Thomas.Ziko@dpi.nc.gov

Re: Extension of the Period of Review for All Rules Submitted in 16 NCAC 06H and 06K

Dear Mr. Ziko:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the State Board of Education to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

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