

Article 85
Agricultural Emergency Response

§ 106-1033. Short Title.

This Article shall be known as the “Agricultural Emergency Response Act”.

§ 106-1034. Statement of Purpose and Authorization.

There is herein authorized within the North Carolina Department of Agriculture and Consumer Services the ability to aid and assist agricultural operations and landowners in the preparedness, response and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by GS 166A of the North Carolina General Statutes and shall not require an emergency declaration for its implementation. In the event of an emergency declaration under the provisions of GS 166A and where this Article is inconsistent with the provisions of GS 166A, the provisions of GS 166A shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article.

§ 106-1035. Definitions.

- (1) “Department” means the North Carolina Department of Agriculture and Consumer Services (NCDA&CS).
- (2) “Agricultural Emergency Response Team (AERT)” means employees of the North Carolina Department of Agriculture who have been designated by the Commissioner of Agriculture to implement the tasks of this section and any personnel operating under agreement with the Department as a contracted services, including but not limited to private companies and local government units.
- (3) “Agricultural emergency” means a natural or unintentional event that results in exposure of or damage to pre- or post-harvest of plants, livestock, feed, water resources or infrastructure which adversely affects one or more members and the economic viability of the agricultural community.

§ 106-1036. Agricultural Emergency Response Teams Authorized.

When determined by the Commissioner of Agriculture in consultation with the Governor, that there is an imminent threat of an agricultural emergency or that such an emergency actually exists within the State which threatens to or has actually caused damage to agricultural lands, facilities, and operations, the Commissioner of Agriculture is authorized to deploy Agricultural Emergency Response Teams to aid in prevention measures and recovery efforts on the premises of landowners throughout the state wherever located.

§ 106-1037. Immunity and Liability.

All functions hereunder and all other activities relating to emergency response are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence, or bad faith, any AERT worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule, or

regulation promulgated pursuant to the provisions of this Article shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

§ 106-1038. No private liability.

Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to agricultural emergency response as provided for in this Article or elsewhere in the General Statutes shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the said real or personal property for any of the above purposes, provided that the use of said property is subject to the order or control of or pursuant to a request under the authority of this Article.

§ 106-1039. Funding for Agricultural Emergency Response.

In order to fully execute the authorities prescribed herein, the North Carolina Department of Agriculture may, at the discretion of the Commissioner, use any funds available to the Department which have been allocated by the General Assembly from the General Fund of the State, use of which is not otherwise restricted by law.

§ 106-1040. Nondiscrimination in agricultural emergency response.

State and local governmental bodies and other organizations and personnel who carry out functions under the provisions of this Article are required to do so in an equitable and impartial manner. Such State and local governmental bodies, organizations, and personnel shall not discriminate on the grounds of race, color, religion, nationality, sex, age, or economic status in the relief and assistance activities.

§ 106-1041. Emergency Response Designation.

In the event of a declaration of a state of emergency and pursuant to Chapter 166A of the North Carolina General Statutes, the North Carolina Department of Agriculture and Consumer Services shall be considered an emergency response agency of North Carolina within the meaning of GS 166A for purposes of the following:

- a) Responding to agriculture related incidents.
- b) Receipt of any applicable State or federal funding.
- c) Training of other State and local agencies in agricultural emergency response.
- d) Any other emergency response roles for which the AERTs have special training or qualifications.