

The proposed rules will be published in the NC Register on 3/15/19.

The comment period ends 5/14/19. Written comments may be submitted during the open comment period to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, 27699-1001, or tina.hlabse@ncagr.gov.

Any person may request a public hearing on the proposed rules by submitting a request in writing no later than 3/30/19 to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001.

We have received an industry request to make an exception to 2018 NIST Handbook 130 regarding the sale of potatoes. The current regulation allows for potatoes to be sold either by weight or dry measure. The current proposal would allow loose, unwrapped potatoes to also be sold individually, or by count, to stay consistent with Handbook 130 language. To ensure quality, industry would prefer to have only “US Grade No. 1” potatoes available by count. Language has been included for shipping containers and invoicing documents to assist retailers in being assured of the grade of potato they received and can offer it for sale accordingly.

02 NCAC 52B .0204 was classified as necessary with substantive public interest during the HB 74 review process and is now going through the readoption process. The rule is being readopted with substantive changes updating the general import requirement to mirror 9 CFR Part 86 and by updating the format of the rule for ease of readability and citations for ease of accessibility. In addition, the Veterinary Division has combined and incorporated the requirements of 02 NCAC 52B .0205 for ease of access. Combined, the public will be able to find the requirements for importing cattle under one rule. 02 NCAC 52B .0205 which deals with cattle fever tick and scabies can now be found under paragraph (c) of 02 NCAC 52B .0204.

02 NCAC 52B .0205 is proposed for repeal because the amendments to 02 NCAC 52B .0204 incorporates the requirements of this rule.

02 NCAC 38 .0401 is proposed for amendment as follows:

SECTION .0400 - METHOD OF SALE OF COMMODITIES

02 NCAC 38 .0401 ADOPTION BY REFERENCE

The Board hereby adopts by reference including subsequent amendments and editions the NIST Handbook 130, "Method of Sale of Commodities Regulation" with the following additions and exceptions:

- (1) The preferred method for measuring fireplace and stove wood is by the cord or fractional parts of a cord, however, nothing in Section 2.4, "Fireplace and Stove Wood", shall be construed as preventing the purchaser and seller of fireplace or stove wood from agreeing on a quantity other than a cord or fractional parts of a cord.
- (2) Section 2.20, "Gasoline-Oxygenate Blends" is deleted.
- (3) Section 2.19. shall apply only to kerosene sold in a container or kerosene sold through a retail device. In addition, a container or a device shall indicate for 1-K kerosene "SUITABLE FOR USE IN UNVENTED HEATERS" and for 2-K kerosene "MAY NOT BE SUITABLE FOR USE IN UNVENTED HEATERS".
- (4) In Section 2.21., the temperature compensation requirements shall not be mandatory. However, if a company elects to sell liquefied petroleum gas on a temperature compensated basis, then all meters in the truck fleet shall be equipped with an activated automatic temperature compensator which shall remain in continuous operation for a period of not less than one year.
- (5) The price for propane dispensed into containers of less than 240 pounds water capacity may be on a minimum price basis provided that the seller displays the minimum price at the point of container fill and the point of sale. This Rule shall not apply to propane container exchange sales where an empty or partially empty container is exchanged for a full one.
- (6) Any variety of potatoes, defined as edible tubers in Section 2.3.2 of the NCWM Policy Interpretations and Guidelines section may also be sold by count providing they meet corresponding standard of "US Grade No. 1" as found in the most current version of the United States Department of Agriculture (USDA) "United States Standards for Sweet Potatoes" or the USDA "United States Standards for Potatoes," as appropriate. Any commercial shipping bxes or other containers, shipping documents and invoices shall be marked as "US Grade No. 1" potatoes.

Copies of NIST Handbook 130, "Method of Sale of Commodities Regulation" are available for inspection in the Office of the Director of the Standards Division and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>. Copies of the "United States Standards for Sweet Potatoes" and "United States Standards for Potatoes" are available for free at <http://www.ams.usda.gov/grades-standards/vegetables>.

History Note: Authority G.S. 81A-4; 150B-21.6;

Eff. May 1, 1983;

Amended Eff. June 1, 1994; January 1, 1990; December 1, 1988; June 1, 1988;

Readopted Eff. March 1, 2017.

02 NCAC 52B is proposed for repeal as follows:

02 NCAC 52B .0205 IMPORTATION REQUIREMENTS: CATTLE FEVER TICK AND SCABIES

History Note: Authority G.S. 106-307.5; 106-361; 106-400;

02 NCAC 52B .0204 is proposed for readoption with substantive changes as follows:

02 NCAC 52B .0204 IMPORTATION REQUIREMENTS: BRUCELLOSIS CATTLE

(a) ~~All cattle imported into North Carolina are subject to the following requirements:~~ All cattle imported into North Carolina shall comply with 9 CFR Part 86, which shall be incorporated by reference including any amendments or subsequent editions. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

- ~~(1) All cattle shall be identified by ear tag, or tattoo;~~
- ~~(2) cattle originating from any certified brucellosis-free State, as defined in 9 Code of Federal Regulations (CFR) 78.1, may enter North Carolina provided the following is recorded on the official health certificate:~~
 - ~~(A) individual identification of each animal; and~~
 - ~~(B) brucellosis status of the State of origin;~~
- ~~(3) no cattle shall be accepted (other than those consigned to immediate slaughter) which have been adult vaccinated, in accordance with the current edition of the Uniform Methods and Rules for Brucellosis Eradication of the United States Department of Agriculture Animal and Plant Health Inspection Service, against brucellosis or originate from infected, exposed or quarantined herds.~~

(b) ~~In addition to the requirements of Paragraph (a) of this Rule, cattle imported from brucellosis class A states, as defined in 9 CFR 78.1, shall comply with the following:~~

- ~~(1) all females and bulls eight months of age and older must test negative for brucellosis within 30 days prior to entry into North Carolina, except:~~
 - ~~(A) dairy heifers under 20 months of age that are vaccinated against brucellosis;~~
 - ~~(B) heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis;~~
 - ~~or~~
 - ~~(C) cattle originating from any certified, brucellosis-free herd, as defined in 9 CFR 78.1, provided the following is recorded on the official health certificate:~~
 - ~~(i) individual identification of each animal;~~
 - ~~(ii) herd certification number;~~
 - ~~(iii) date of last herd test; and~~

~~(2) cattle from class A states which originate from the farm of origin and move directly to a state or federally licensed stockyard or to a farm in North Carolina in compliance with this Rule are not required to be tested between 45 and 120 days after entry. However, retests may be performed by a representative of the State Veterinarian at no expense to the owner. Eligible cattle which have been commingled in a stockyard prior to importation must, in addition to the requirements of this Rule, test negative for brucellosis between 45 and 120 days after arrival in this state. Brucellosis requirements for cattle imported into North Carolina:~~

~~(1) Cattle originating from any validated brucellosis-free state, as defined in 9 CFR 78.1, may enter North Carolina provided the following is recorded on the official interstate certificate of veterinary inspection or owner shipper statement:~~

~~(A) Individual identification of each animal as required by 9 CFR Part 86; and~~

~~(B) Brucellosis status of the state of origin.~~

~~(2) No cattle shall be accepted, other than those consigned to immediate slaughter, which have been adult vaccinated, in accordance with the current edition of the Uniform Methods and Rules for Brucellosis Eradication of the United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS), against brucellosis or originate from infected, exposed or quarantined herds. A copy of the Uniform Methods and Rules for Brucellosis Eradication may be obtained at no cost by accessing the website of USDA-APHIS at https://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf.~~

~~(3) In addition, cattle imported from brucellosis class A states, as defined in 9 CFR 78.1, shall comply with the following:~~

~~(A) All females and bulls eight months of age and older must test negative for brucellosis within 30 days prior to entry into North Carolina, except:~~

~~(i) Dairy heifers under 20 months of age that are vaccinated against brucellosis;~~

~~(ii) Heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis; or~~

~~(iii) Cattle originating from any certified brucellosis-free herd, as defined in 9 CFR 78.1, provided the following is recorded on the official health certificate:~~

~~(a) individual identification of each animal;~~

~~(b) herd certification number; and~~

~~(c) date of last herd test; and~~

~~(B) Cattle from class A states which originate from the farm of origin and move directly to a state or federally licensed stockyard or to a farm in North Carolina in compliance with this Rule are not required to be tested between 45 and 120 days after entry. However, retests may be performed by a representative of the State Veterinarian at no expense to the owner. Eligible cattle which have been commingled in a stockyard prior to importation must, in~~

addition to the requirements of this Rule, test negative for brucellosis between 45 and 120 days after arrival in North Carolina.

(4) In addition, cattle imported from class B states, as defined in 9 CFR 78.1, shall comply with the following:

(A) A permit must be issued to the person importing the cattle by the State Veterinarian of North Carolina prior to entry;

(B) All females and bulls eight months of age or older must test negative within 30 days prior to entry into North Carolina except:

(i) Dairy heifers under 20 months of age that are vaccinated against brucellosis;

(ii) Heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis; or

(iii) Cattle originating from any certified brucellosis-free herd, as defined in 9 CFR 78.1, provided that the following is recorded on the official health certificate:

(a) Individual identification of each animal;

(b) Herd certification number; and

(c) Date of last herd test; and

(C) All cattle shall be quarantined upon arrival and must test negative between 45 and 120 days after arrival in order to be released from quarantine.

(c) In addition to the requirements of Paragraph (a) of this Rule, cattle imported from class B states, as defined in 9 CFR 78.1, shall comply with the following:

(1) a permit must be issued to the person importing the cattle by the State Veterinarian of North Carolina prior to entry;

(2) all females and bulls eight months of age or older must test negative within 30 days prior to entry into North Carolina except:

(A) dairy heifers under 20 months of age that are vaccinated against brucellosis;

(B) heifers of the beef breeds less than 24 months of age that are vaccinated against brucellosis;

(C) cattle originating from any certified brucellosis-free herd, as defined in 9 CFR 78.1, provided that the following is recorded on the official health certificate:

(i) individual identification of each animal;

(ii) herd certification number; and

(iii) date of last herd test;

(4) all cattle shall be quarantined upon arrival and must test negative between 45 and 120 days after arrival in order to be released from quarantine. Cattle fever tick and scabies importation

requirements:

(1) No cattle infested with ticks, *Boophilus annulatus*, *B. microplus*, or *Rhipicephalus evertsi evertsi*, or exposed to such infestation shall be shipped, trailed, driven, or otherwise imported into the state for any purpose.

(2) No cattle affected with scabies shall be shipped, trailed, driven or otherwise imported into the state for any purpose. No cattle recently exposed to scabies or from an area quarantined on account of scabies shall be imported into the state except in accordance with 9 CFR Part 73.

History Note: Authority G.S. 106-307.5; 106-361; 106-400;

Eff. April 1, 1984;

Amended Eff. August 1, 2004; May 1, 1992; June 1, 1988; December