

02 NCAC 31A .0101 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

CHAPTER 31 - THE NORTH CAROLINA AGRICULTURAL HALL OF FAME

SUBCHAPTER 31A - PURPOSE

02 NCAC 31A .0101 CREATION

The Hall of Fame was created so that present and future generations will be encouraged to follow the examples of honored agriculturists.

History Note: Authority G.S. 106-568.13;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

Readopted Eff. August 1, 2026.

02 NCAC 31A .0102 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

02 NCAC 31A .0102 ENSHRINEMENT

Individuals with outstanding achievements in which agriculture materially benefitted are recognized.

History Note: Authority G.S. 106-568.16;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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02 NCAC 31C .0101 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

SUBCHAPTER 31C – ELIGIBILITY

02 NCAC 31C .0101 QUALIFICATIONS

(a) The North Carolina Agricultural Hall of Fame recognizes an individual born in North Carolina for outstanding performance in agriculture.

(b) The North Carolina Agricultural Hall of Fame recognizes an individual who was not born in North Carolina but has become a citizen of this state and has performed outstanding work in agriculture while a resident of North Carolina.

History Note: Authority G.S. 106-568.16;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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02 NCAC 31C .0102 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

02 NCAC 31C .0102 FIELD OF ACTIVITY

The field of activity of the recognized individual may be primarily scientific, practical farming, or a personality who led a great movement of agricultural progress.

History Note: Authority G.S. 106-568.16;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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02 NCAC 31C .0103 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

02 NCAC 31C .0103 WRITTEN STATEMENT ON CANDIDATE

(a) The sponsor of the nominee submits a written statement (three copies) outlining as completely as possible the work of the candidate and evidence of its effect on the agricultural life of the ~~state~~. State of North Carolina.

(b) The statement should also cover the biography of the person including the following:

- (1) his or her personality,
- (2) successes and failures,
- (3) obstacles overcome,
- (4) any other information that would be of interest to the reader.

(c) The statement should be primarily in narrative form and the style attractive.

History Note: Authority G.S. 106-568.16;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

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02 NCAC 31C .0104 is readopted with changes as published in NCR 40:13 1050-1051 as follows:

02 NCAC 31C .0104 RECIPIENT

One year must have elapsed after death to be considered as recipient of the Hall of Fame Honor.

History Note: Authority G.S. 106-568.16;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0101 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

CHAPTER 38 - STANDARDS DIVISION

SECTION .0100 - PURPOSE AND DEFINITIONS

02 NCAC 38 .0101 PURPOSE

The Standards Division protects buyers and sellers against misrepresentation of quantities by providing uniform standards for weights and measures, by inspecting all commercial weighing and measuring devices, and by inspecting packaged commodities to ensure that they are in compliance with the labeled net contents statement; and performs safety inspections of LP-Gas and anhydrous ammonia installations and vehicles to ensure that they are in compliance with established safety codes. In addition, the Standards Division enforces the rules and regulations of the North Carolina Gasoline and Oil Inspection Board, as found in 02 NCAC 42. Board (02 NCAC 42).

History Note: Authority G.S. 81A-1;

Eff. May 1, 1983;

Amended Eff. June 1, 1984;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0102 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "A.N.S.I." means the American National Standards Institute, Inc.
- (2) "Basket" as used in 02 NCAC 38 .0500 means any container, sheet, or box used in tobacco auction warehouses.
- (3) "Board" means the North Carolina Board of Agriculture.
- (4) "Condemned Equipment" means equipment that is permanently out of service.
- (5) "Director" or "Director of Weights and Measures" means the Director of the Standards Division of the North Carolina Department of Agriculture.
- (6) "N.I.S.T." means the National Institute of Standards and Technology.
- (7) "N.C.W.M." means the National ~~Conference~~Council on Weights and Measures.
- (8) "Rejected Equipment" means equipment that is incorrect, which is considered susceptible ~~of~~to proper repair.
- (9) "Weight(s) and/or Measure(s)" means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

*History Note: Authority G.S. 81A-1;
 Eff. May 1, 1983;
 Amended Eff. January 1, 1990; June 1, 1984;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,
 2015.
 Readopted Eff. August 1, 2026.*

02 NCAC 38 .0201 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

SECTION .0200 - APPROVAL OF WEIGHING AND MEASURING DEVICES

02 NCAC 38 .0201 ADOPTION BY REFERENCE

The Board incorporates~~board hereby adopts~~ by reference, including subsequent amendments and editions, NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" except as otherwise indicated in this Chapter.

Copies of the above are available for inspection in the Office of the Director of the Standards Division~~Division~~, located at 4400 Reedy Creek Road, Raleigh, NC 27607, and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

History Note: Authority G.S. 81A-2; 150B-21.6

Eff. May 1, 1983;

Amended Eff. January 1, 1990; June 1, 1988; April 1, 1987; May 1, 1986;

Readopted Eff. March 1, 2017.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0202 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0202 WEIGHING AND MEASURING DEVICES

The requirements of NIST Handbook 44 shall apply to:as follows:

- (1) To commercialCommercial weighing and measuring equipment; that is, equipment: weights and measuresmeasures, and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure;
- (2) To anyAny accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device; and
- (3) To weighingWeighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

*History Note: Authority G.S. 81A-2;
 Eff. May 1, 1983;
 Amended Eff. January 1, 1990;
 Readopted Eff. March 1, 2017.
 Readopted Eff. August 1, 2026.*

02 NCAC 38 .0203 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0203 TYPE APPROVAL OF WEIGHING AND MEASURING DEVICES

(a) Each ~~type, model, pattern, type or model or pattern or~~ design of weight or measure or weighing or measuring device intended for use in trade in this ~~state, State,~~ generally known as commercial use, shall first be submitted or demonstrated by the manufacturer for the purpose of approval, and be approved by the Director of the Standards Division ~~at Raleigh, North Carolina, or such other place as agreed upon,~~ in accordance with National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The expense incurred in obtaining approval shall be ~~paid borne~~ by the manufacturer in accordance with G.S. 81A-10.

(b) The Director may accept in lieu of the requirement in (a) of this Rule, a Certificate of Conformance issued by the National ~~Conference~~ Council of Weights and Measures.

History Note: Authority G.S. 81A-2;

Eff. May 1, 1983;

Amended Eff. February 1, 2009; January 1, 1990; May 1, 1986;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0204 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0204 RECORD OF APPROVED WEIGHING AND MEASURING DEVICES

The Director of Weights and Measures shall keep an accurate record and list of names of manufacturers, name, type or model of device, apparatus or equipment approved.

History Note: Authority G.S. 81A-1; 81A-15;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0205 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0205 REPAIRS TO REJECTED WEIGHING DEVICES

~~In order that a~~ scale or weighing device which has been rejected for repairs by a duly authorized weights and measures inspector may be put back into service after having been serviced by a registered scale ~~technician,~~
~~the technician.~~ The Director of Weights and Measures ~~is hereby authorized to may~~ grant permission for the renewed use of such equipment ~~provided if:~~

- (1) ~~That the The~~ technician rendering service ~~shall have~~ sealed the rejection notice in an envelope; ~~and~~
- (2) ~~That the The~~ envelope bears the name, address, and registration number of the scale technician, date service was rendered, type of service ~~rendered rendered,~~ and signature of scale technician.

History Note: Authority G.S. 81A-2; 81A-76;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0301 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

SECTION .0300 - PACKAGE AND LABELING REQUIREMENTS

02 NCAC 38 .0301 ADOPTION BY REFERENCE

The following are ~~adopted~~incorporated by reference, including subsequent amendments and editions, as standards for packaging and labeling and for determining compliance of packaged goods with net contents labeling requirements:

- (1) NIST Handbook 130, "Packaging and Labeling Regulation," with the exception of Sections 13, 14, and 15 of the "Packaging and Labeling Regulation" which are deleted; and
- (2) NIST Handbook 133, "Checking the Net Contents of Packaged Goods".

Copies of Handbook 130 and Handbook 133 are available for inspection in the Office of the Director of the Standards ~~Division~~Division, located at 4400 Reedy Creek Road, Raleigh, NC 27607, and may be obtained for free at <http://www.nist.gov/pml/wmd/pubs/index.cfm>.

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

Eff. May 1, 1983;

Amended Eff. January 1, 1990; December 1, 1988; June 1, 1988; April 1, 1987;

Readopted Eff. March 1, 2017.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0401 is adopted with changes as published in NCR 40:13 1051-1054 as follows:

SECTION .0400 - METHOD OF SALE OF COMMODITIES

02 NCAC 38 .0401 ADOPTION BY REFERENCE

The Board hereby ~~adopts~~incorporates by ~~reference~~reference, including subsequent amendments and ~~editions~~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~~prevent 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~~omitted.
- (3) ~~Section 2.19~~Section 1.19 shall apply only to kerosene sold in a container or kerosene sold through a retail ~~device~~device, as defined in NIST Handbook 44, Appendix D. ~~In addition, a~~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~~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 that 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~~Edible Tubers in Section 2.3.2 of the NCWM Policy Interpretations and Guidelines ~~section~~section, may also be sold by count ~~providing~~provided they meet ~~the~~the 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 boxes or other containers, shipping ~~documents~~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;

1 *Eff. May 1, 1983;*
2 *Amended Eff. June 1, 1994; January 1, 1990; December 1, 1988; June 1, 1988;*
3 *Readopted Eff. March 1, 2017;*
4 *Amended Eff. July 1, 2019.*
5 *Readopted Eff. August 1, 2026.*

02 NCAC 38 .0501 is readopted as published in NCR 40:13 1051-1054 as follows:

SECTION .0500 - LEAF TOBACCO

02 NCAC 38 .0501 TOBACCO OFFERED FOR SALE

When leaf tobacco is placed on the floor of a leaf tobacco auction warehouse in a line or row according to custom in said warehouse, preceding the actual sale, such act on the part of any person, firm, or corporation shall be construed as offering the tobacco for sale, and that the tobacco is offered for sale and thus becomes subject to the conditions set forth in G.S. 81A-59.

History Note: Authority G.S. 81A-2; 81A-4;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0502 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0502 BASKETS

No basket shall be used in a tobacco auction warehouse which deviates in excess of one pound either over or under the established weight, from the established average weight by a weight in excess of one pound either over or under.

The average total weight shall be established by weighing 100 baskets, picked at random, and this weight divided by 100. The said average basket weight shall be clearly stated and posted conspicuously on the scale or scale house ~~in a plain and conspicuous place.~~ Any ~~and every~~ basket in said warehouse which does not conform to this requirement shall be moved from the premises or destroyed by the operators of the warehouse. Each warehouse shall be equipped with a metal test weight which shall be equal in weight to the established and posted average weight of basket. Said test weight shall be used by the ~~weighmaster~~weighmaster, as defined in NIST Handbook 130, Chapter III, Article B, Section 3, in making allowance for the basket when setting total tare on tare beams of scale and thereby protect ~~himself~~themselves in the issuing of weight ~~certificate~~certificates provided in G.S. 81A-53.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9);

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0504 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0504 WEIGHING

All tobacco weighed in a tobacco warehouse for the purpose of sale shall be weighed accurately to the nearest one pound.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9);

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0505 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0505 VARIATIONS IN WEIGHT

A tolerance not exceeding two pounds on each basket of tobacco weighing not more than 175 pounds, and a tolerance of four ~~pounds~~pounds. on each basket of tobacco weighing more than 175 pounds shall be considered a reasonable variation in weight; provided, however, such variation shall be allowable only when ~~supported by the facts in each case and applicable to each~~ the weight of each individual basket of tobacco is determined not to be consistently under its stated weight; and ~~further provided that~~ in no case shall any allowance be made for variation in weight on basket erroneously weighed or illegally packed; and also provided that consistent short weights on baskets peculiar to any warehouse on a given market shall raise a presumption of erroneous weighing.

History Note: Authority G.S. 81A-2; 81A-4; 81A-15(9);

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0507 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0507 VIOLATIONS

Any weighmaster, or any custodian, or any employee of the custodian, who takes or attempts to take advantage of these the variations or tolerance stated in Rule .0505 of this Chapter in when the issuing of a weight certificate, or in the setting of tare beam on scale when making allowances for weight of truck and average weight of basket, or by removingremoving, or permittingpermitting, or causing to be removed tobacco from any basket or pile, shall forfeit his or itstheir right to the benefit of any of the variations or tolerance provided for in this Rule, and shall be subject to penalties as set forth in and shall be guilty of misrepresenting the quantity in fact and shall be subject to penalties as set forth in Section 81A-29 and Section 81A-55 of the General Statutes, G.S. 81A-29 and G.S. 81A-55 as a result of the misrepresentation of the quantity.

History Note: Authority G.S. 81A-2; 81A-4;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0508 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0508 CUSTODIAN OF TOBACCO

It shall not be construed that ~~these~~ the variations and tolerance stated in Rule .0505 of this Chapter do in any way relieve the custodian of the tobacco of ~~his~~ their responsibility or liability ~~as referred to~~ in G.S. 81A-58.

History Note: Authority G.S. 81A-2; 81A-4;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NAC 38 .0601 is readopted as published in NCR 40:13 1051-1054 as follows:

SECTION .0600 - SALE OF PETROLEUM PRODUCTS

02 NCAC 38 .0601 RETAIL MOTOR FUEL DISPENSERS/HALF-PRICING

- (a) All retail motor fuel dispensing outlets shall sell motor fuel by the full price per unit as stated in NIST Handbook 130 method for that fuel type.
- (b) Retail motor fuel dispensing outlets shall not sell motor fuel by the half-price per gallon method.

*History Note: Authority G.S. 81A-2;
 Eff. May 1, 1983;
 Amended Eff. February 1, 2009;
 Readopted Eff. March 1, 2017.
 Readopted Eff. August 1, 2026.*

02 NCAC 38 .0602 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0602 METRIC SALES OF RETAIL MOTOR FUEL

At those locations that dispense motor fuel by the liter, the following provisions shall apply:

- (1) All streets, roadside, and similar advertising signs shall provide price per gallon information for all products for which prices are posted on said signs. Signs shall show complete dollar and cents numerals and they shall be clearly legible. Signs showing the equivalent price per liter may also be used. If a price per liter is also posted, it shall be adjacent to the gallon price.
- (2) Current and accurate price comparisons between gallon and liter values shall be posted by one of the following methods:
 - (a) a sign on the top of dispensers, positioned for easy clear view by the customer, and with values visible from either side of the island; or
 - (b) a decal affixed to each dispenser and positioned for easy clear view by the customer.
- (3) Equivalent quantity information shall also be posted on a sign that is positioned for easy clear view by the customer. This information may be posted on the same sign or decal described in Paragraph (2) of this Regulation Rule.
- (4) The sign(s) or decal described in Paragraphs (2) and (3) of this Regulation Rule shall be composed of letters and numerals of at least three-fourths inch in height.

Note: (1): (The following example pertains to Paragraph (2) of this Regulation.) 27.1 cents per liter = \$1.026 per gallon.

Note: (2): (The following example pertains to Paragraph (3) of this Regulation.) 3.785 liters = 1 gallon.

History Note: Authority G.S. 81A-2; 81A-23;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0603 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0603 PRICE AND VOLUME CONSISTENCY

All retail motor fuel pumps at the same facility shall calculate price by the same method and volume by the same measure.

History Note: Authority G.S. 81A-2; 81A-22; 81A-23;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0604 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0604 PRICE POSTING/CASH DISCOUNTS FOR RETAIL MOTOR FUEL SALES

(a) If any condition or qualification is required to purchase fuel at the posted price, that condition or qualification shall be posted in conjunction with the advertised price.

(b) At those locations where separate dispensers or islands are established for credit card and cash sales, the dispensers or islands shall be identified to avoid customer confusion.

(c) At those locations where the same dispenser is used for cash and credit card sales, the following apply:

- (1) If the dispenser is capable of computing only one price, then the dispenser shall be set at the highest unit price and the unit discount rate (either per gallon, percentage, or per gallon credit price) shall be displayed. A receipt shall contain the total volume of the delivery, the unit price, the total computed price, an itemization of the discounts to the unit price, and the final total price;
- (2) If the dispenser is capable of computing both cash and credit sales, either the credit surcharge rate (either per gallon, percentage, or per gallon credit price) or the cash discount rate (either per gallon, percentage, or per gallon price) shall be displayed; and
- (3) The location must indicate whether "debit" transactions are treated as cash or credit transactions. Labels such as "cash/debit," "debit=cash," or "credit/debit" are acceptable.

History Note: Authority G.S. 81A-2; 81A-23;
Eff. May 1, 1983;
Amended Eff. October 1, 2011; December 1, 1987;
Readopted Eff. March 1, 2017.
Readopted Eff. August 1, 2026.

02 NCAC 38 .0701 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

SECTION .0700 - STANDARDS FOR STORAGE, HANDLING AND INSTALLATION OF LP GAS

02 NCAC 38 .0701 ADOPTION BY REFERENCE

The following are incorporated by reference, including subsequent amendments and editions, as standards for storage, handling and installation of liquefied petroleum gas:

(1) National Fire Protection Association, document NFPA 58 "Liquefied Petroleum Gas Code," with the following additions and exceptions:

(a) "Firm Foundation" means that the foundation material has a level top surface, rests on solid ground, is constructed of a masonry material or wood treated to prevent decay by moisture rot, and will not settle, careencareen, or deteriorate;

(b) No person shall use liquefied petroleum gas as a source of pressure in lieu of compressed air in spray guns or other pressure operated equipment, except that liquefied petroleum gas may be used as a source of pressure for operating internal valves and emergency shutoff valves;

(c) Piping, tubing, or regulators shall be considered well supported when they are rigidly fastened in their intended position;

(d) At bulk storage installations, the bulkhead and the plant piping on the hose side of the bulkhead shall be designed and constructed so that an application of force from the hose side will not result in damage to the plant piping on the tank side of the bulkhead. In addition, the bulkhead shall incorporate a means, for instance, mechanical or pneumatic, to automatically close emergency valves in the event of a pull away;

(e) As an alternative to the requirement for a fire safety analysis, the owner, or his designee, of an LP-gas facility which utilizes individual storage containers in excess of 4,000 gallons water capacity, storage containers interconnected through the liquid withdrawal outlets of the containers with an aggregate water capacity in excess of 4,000 gallons, or storage containers interconnected through the vapor withdrawal outlets of the containers with an aggregate capacity in excess of 6,000 gallons, shall, for all installations of containers of such capacity or for additions to an existing LP-gas facility which result in containers in excess of such capacity, meet with fire officials for the jurisdiction in which the facility is located in order to:

(i) review potential exposure to fire hazards to or from real property which is adjacent to such facility;

(ii) identify emergency access routes to such facility; and

(iii) review the equipment and emergency shut-down procedures for the facility.

The owner of such facility or his designee shall document in writing the time, datedate, and place of such meeting(s), the participants in the meeting, and the discussions at the meeting

1 in order to provide a written record of the meeting. This documentation shall be made
2 available to the Department not later than 60 days after installation of the new or additional
3 containers. Compliance with the availability requirement shall be met by having a copy of
4 the documentation kept on site or at the owner's office and available for review by
5 ~~NCD&CS~~the North Carolina Department of Agriculture and Consumer Service
6 (NCD&CS) inspection personnel as soon as it is requested. This meeting, review, and
7 documentation shall be repeated when the North Carolina Department of Agriculture and
8 Consumer Services, (NCD&CS), determines that the plant design has changed
9 or that potential exposures have significantly changed, so as to increase the likelihood of
10 injury.

11 (f) An LP-gas facility which utilizes storage containers that are interconnected through the
12 vapor withdrawal outlets of the containers only with an aggregate water capacity in excess
13 of 4,000 gallons, but not in excess of 6,000 gallons, is exempt from the requirements of a
14 fire safety analysis; and

15 (g) A fire safety analysis as described in NFPA 58 may be prepared by the owner of an LP-
16 Gas facility or by an employee of such owner in the course of the employee's employment,
17 and the Department shall not require that it be prepared, approved, or sealed by a
18 professional engineer. Note: This is in keeping with a formal interpretation (F.I. No.: 58-
19 01-2) by the technical committee for Liquefied Petroleum Gases issued by the National
20 Fire Protection Association on November 7, 2001, with an effective date of November 27,
21 2001. However, the North Carolina Board of Examiners for Engineers and Surveyors
22 regulates the practice of engineering, and has taken the position that the preparation of a
23 fire safety analysis constitutes the practice of engineering.

24 (h) The posting of "No Smoking" signs in areas where LP-gas is transferred, dispensed, or
25 stored is recognized as an effective means to control sources of ignition where
26 specified.

27 (i) Training records for each employee whose job requires the transfer and/or handling of
28 LP-gas as a part of their assigned duties shall be stored or accessible onsite for
29 inspectors. Training records shall at minimum include the following:

30 (i) title of the training;

31 (ii) brief description of the training/topics covered;

32 (iii) the trainer's name;

33 (iv) the name of the employee being trained and;

34 (v) the date of the training.

35 The record must be signed by both the trainer and the trainee to acknowledge the
36 successful completion of the training. In addition, a post-training assessment should be
37 administered to gauge the trainee's comprehension and the scored results included in

1 their training record.

2 (j) Where the end of the hose or dispensing nozzle can be extended to violate separation
3 requirements in NFPA 58 Table 6.7.2.1, section 4.10(3), or section 6.28.3.10.2 (2024
4 edition), points of transfer shall be designated where the end of the hose or dispensing
5 nozzle may be connected to a container for transfers. Such points of transfer shall meet
6 the separation requirements specified in this table or these sections. The designated
7 areas shall be easily identifiable by staff. Training documentation for these designated
8 areas for staff shall be available onsite for inspectors.

9 (2) National Fire Protection Association document NFPA 54, "National Fuel Gas Code," with the
10 addition that underground service piping shall rise above ground immediately (within six inches of
11 wall) before entering a building.

12 (3) National Fire Protection Association, document NFPA 30A, "Code for Motor Fuel Dispensing
13 Facilities and Repair Garages," Chapter 12 (in ~~2008~~2024 Edition) as it applies to LP-Gas dispensers
14 for motor vehicle fuel along with dispensers for other motor vehicle fuels.

15 Copies of NFPA 54, NFPA 58 and NFPA 30A are available for inspection in the Office of the Director of the Standards
16 Division. ~~They~~NFPA 30A and NFPA 58 may be obtained at a cost of ~~fifty-four dollars and fifty cents (\$54.50)~~one
17 hundred fifty-seven dollars (\$157.00) and for two hundred and forty-six dollars (\$246.00) each for NFPA 54 and
18 ~~NFPA 58 and for forty-two dollars (\$42.00) for NFPA 30A (March 2014 prices),~~54, plus shipping, by contacting
19 National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269, by calling them at
20 617-770-3000 or 800-344-3555, or by accessing them on the Internet at www.nfpa.org/catalog.

21
22 *History Note: Authority G.S. 119-55;*

23 *Eff. May 1, 1983;*

24 *Amended Eff. November 1, 2011; April 1, 2009; September 1, 2002; August 1, 2002; January 1,*
25 *1994; June 1, 1993; December 1, 1988; December 1, 1987;*

26 *Readopted March 1, 2017.*

27 *Readopted Eff. August 1, 2026.*

02 NCAC 38 .0702 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0702 METERS ON TANK TRUCKS

All tank trucks delivering through a liquid liquid metersmeasuring device, defined in NIST Handbook 44 as a mechanism or machine designed to measure and deliver liquid by definite volume, into storage ~~tanks or containers~~tanks, containers, or cylinders shall be equipped with a device which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

History Note: Authority G.S. 119-55;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0703 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0703 LP GAS INSPECTION REPORT

Upon inspection pursuant to G.S. 119-57, a notice of violations shall be given to the ~~violator~~violator upon inspection submission. The notice shall ~~include~~include, but is not limited ~~to~~to, repairs necessary to eliminate the violation(s) and a date by which repairs shall be made by the violator. An extension of time for repair is at the discretion of the Director of the Standards Division, upon written request.

History Note: Authority G.S. 119-55;

Eff. May 1, 1983;

Amended Eff. June 1, 1984;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0704 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0704 APPROVED THIRD PARTY TESTING LABORATORIES

In accordance with G.S. 119-58(a)(1), third party testing laboratories ~~accredited~~approved by the North Carolina Building Code Council are ~~accepted for~~authorized to ~~approving~~approve gas appliances that are designed or built for domestic use.

History Note: Authority G.S. 119-58;

Eff. July 1, 1985;

Amended Eff. December 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0705 is readopted as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0705 NOTIFICATION FOR DISCONNECTION OF SERVICE

(a) This Rule contains additional standards relating to the requirements for disconnection of service contained in G.S. 119-58(b).

(b) To "notify the former supplier before disconnecting the former service and connecting the new service," as required by G.S. 119-58(b), means that the new supplier shall provide the former supplier with written notice containing the new supplier's name, address and telephone number, the consumer's name and address, and stating the date and time after which service is to be disconnected. The notice may be sent by mail, overnight mail, facsimile, email, or by hand-delivery, so long as it is received prior to the disconnection of the former service.

History Note: Authority G.S. 119-55; 119-58;

Temporary Adoption Eff. January 1, 2003;

Eff. August 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Amended Eff. May 1, 2022.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0801 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

SECTION .0800 - LIQUID FERTILIZERS

02 NCAC 38 .0801 ADOPTION BY REFERENCE

The ~~board hereby adopts~~ Board incorporates by reference the American National Standard, "Safety Requirements for the Storage and Handling of Anhydrous Ammonia", 1981 edition, (ANSI k61.1-1981), ~~as well as subsequent amendments and editions, as~~ published by the American National Standards Institute, Inc.

Copies from this Rule are available for inspection in the Office of the Director of the Standards ~~Division~~ Division, ~~located at 4400 Reedy Creek Road, Raleigh NC 27699,~~ and may be obtained by contacting the publisher at the following address: American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

History Note: Authority G.S. 106-660; ~~150B-14;~~

Eff. May 1, 1983;

Amended Eff. June 1, 1984;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 38 .0802 is adopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0802 APPROVAL FOR ANHYDROUS AMMONIA INSTALLATIONS

Plans for fixed (stationary) anhydrous ammonia installations shall be submitted to the Commissioner of Agriculture in writing or his designated representative and approved before the installation is started.

History Note: Authority G.S. 106-660;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

02 NCAC 38 .0803 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0803 METERS FOR LIQUID FERTILIZERS

~~A meter used to measure liquid fertilizer shall be approved in accordance with 02 NCAC 38 .0200 and shall be equipped with a device~~When a meter is used to measure liquid fertilizer, said meter shall be approved in accordance with 2 NCAC 38 .0200. ~~In addition, meters used to measure liquid fertilizer shall be equipped with a device~~ which will print the quantity delivered on a ticket, a copy of which will be given to the consumer.

History Note: Authority G.S. 106-660;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 38 .0804 is readopted with changes as published in NCR 40:13 1051-1054 as follows:

02 NCAC 38 .0804 USE OF APPLICATOR TANKS AS MEASURING DEVICES

~~When a~~ A cylindrical applicator tank ~~is~~ used as a measuring device in the distribution of liquid ~~fertilizer~~ ~~fertilizer~~, it shall be calibrated by liquid measure from zero to capacity with zero indicating empty. There shall be a graduation scale on each end of the applicator tank located at a distance of not more than 1/16 of an inch away from the sight glass or tube. The value of graduated intervals shall not exceed:

- (1) one gallon for a tank of a nominal capacity of 300 gallons or less;
- (2) five gallons for a tank of a nominal capacity of 301 gallons or more.

History Note: Authority G.S. 106-660;

Eff. May 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.

Readopted Eff. August 1, 2026.

02 NCAC 46 .0101 is readopted as published in NCR 40:13 1054-1055 as follows:

CHAPTER 46 - GRAIN DEALERS

02 NCAC 46 .0101 DEFINITION

"Scale Ticket" means a written document or documents provided to the producer by the grain dealer in conjunction with the delivery of grain.

History Note: Authority G.S. 106-609;

Eff. August 1, 1984;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24, 2019.

Readopted Eff. August 1, 2026.

02 NCAC 46 .0102 is readopted with changes as published in NCR 40:13 1054-1055 as follows:

02 NCAC 46 .0102 INFORMATION REQUIRED

A grain dealer shall issue and make available to the producer a scale ticket within a reasonable time, not to exceed 24 hours after the delivery of grain. The scale ticket shall include at least the following information:

- (1) grain dealer's name and address;
- (2) producer's name and, where applicable, producer's address;
- (3) date;
- (4) consecutive ticket number;
- (5) type of grain;
- (6) gross, tare, and net weight;
- (7) whether the grain is inbound or outbound;
- (8) truck or trailer license number;
- (9) type of transaction, clearly indicating whether the grain is sold or stored;
- (10) signature of grain dealer or his agent, representative~~representative~~, or employee;
- (11) base price per bushel, where applicable;
- (12) grade factors, where applicable;
- (13) deductions, where applicable; and
- (14) net price and total amount paid, where applicable.

History Note: Authority G.S. 106-609;
Eff. August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24,
2019.
Readopted Eff. August 1, 2026.

02 NCAC 60B .2001 is proposed for adoption with changes as published in NCR 40:12 982-984 as follows:

SECTION .2001 – PRESCRIBED BURNING COST SHARE PROGRAM

02 NCAC 60B .2001 ADMINISTRATION OF PROGRAM

(a) The purpose of the Program ~~[shall be]~~ is to support prescribed burns on privately owned forestlands that will maximize the benefits set forth in Article 80 of ~~[this Chapter]~~ Chapter 106. G.S. 106-966(2) states “‘Prescribed burning’ means the planned and controlled application of fire to naturally occurring vegetative fuels under safe and safe environmental and other conditions, while following appropriate precautionary measures that will confine the fire to a predetermined area and accomplish the intended management objectives.”

(b) The manner and requirements of ~~[making]~~ submitting an application for cost-sharing funds ~~[according to]~~ from ~~[Article 80A § 106-977.]~~ the Prescribed Burning Cost Share Program ~~[found]~~ are as follows:

- (1) Any eligible privately owned forestlands may apply for program cost-sharing funds. Privately owned forestlands include a private individual, group, ~~[association]~~ association, or corporation owning land suitable for forestry purposes, and where forestland is owned jointly by tenants in common or other type of joint ownership, the joint owners shall be considered as one eligible landowner.
- (2) Application may be made by completing the required program application ~~[forms]~~ forms, which are available at North Carolina Forest Service (“NCFS”) county and district offices as well as on the NCFS website at <https://www.ncagr.gov/divisions/nc-forest-service/prescribed-fire/prescribed-burning-cost-share-program>. Applications shall include identifying information from the landowner and/or consultant, a description of the practices needed, acres needed, practice rate, and applicant signature.
- (3) A written burn plan relating to the application shall be submitted as part of the application packet. The written burn plan ~~[must]~~ shall comply with the requirements of ~~[Chapter 106, Article 80 of the General Statutes]~~ G.S. 106-968.
- (4) The program cost share allocation methodology will be determined by the ~~[North Carolina Forest Service (“NCFS”)]~~ NCFS and made available to landowners and stakeholders via the NCFS’s website (<https://www.ncagr.gov/divisions/nc-forest-service/prescribed-fire/prescribed-burning-cost-share-program>) in advance of program application sign-ups.
- (5) As part of the prescribed burn project, approved practices may include, but are not limited to:
 - (A) Silvicultural Burning – The use of prescribed fire to prepare areas for natural pine or oak regeneration, pre-commercial thinning to reduce competing tree density of undesirable ~~[species]~~ species, and the use of prescribed fire to manage for insects or disease concerns to promote forest health.
 - (B) Hazard Reduction Burning – The use of prescribed fire for the purpose of mitigating forest fuels to reduce the forestland risk from potential damage from wildfires.
 - (C) Wildlife Habitat Burning – The use of prescribed fire for the purpose of maintaining

1 or creating improved forest, or open field conditions for desired plants,
2 ~~[species]~~ ~~species~~, and habitat.

3 (D) ~~[Installation of Firelines]~~ **Fireline Installation** - installation of firelines must be
4 accompanied by a completed prescribed burn on the associated acres in order for cost-
5 share reimbursement pay-out to the landowner.

6 (E) Other Practices - The Commissioner of Agriculture and Consumer Services
7 ("Commissioner") may authorize ~~[the program offering]~~ additional practices
8 associated with ~~[encouraging]~~ prescribed ~~[burning accomplishments]~~ **burning**.

9 (6) The Commissioner or his or her designee shall review submitted applications requesting
10 program funding. Applicants who start or complete ~~[their project]~~ **installation of firelines and/or**
11 **their prescribed burn** without prior NCFS approval ~~[shall]~~ **may** not be eligible to receive funding.
12 Landowners may not receive ~~[state]~~ **State** cost-share funding on the same project acres where
13 federal cost-share funds apply, or where burning is a federal program requirement for
14 maintenance.

15 (c) Cost-sharing payments ~~[may]~~ **shall** be made upon certification by the NCFS following completion of the practice(s)
16 as prescribed in the written burn plan. Certification of completion shall include an assessment of installed and
17 completed practices in relation to the requirements outlined in the burn plan, installation of appropriate best
18 management practices to ensure soil protection and water quality, and assurance that the installed practice(s) are
19 meeting all applicable environmental ~~[regulations]~~ **rules** found in ~~[Article 4, G.S. 113A.]~~ **02 NCAC 60C (Forest**
20 **Practices Guidelines Related to Water Quality)**. The maximum allowable cost share reimbursement to participating
21 landowners is seventy-five percent (75%) based on program rate per acre caps.

22 (d) Allocated funding for approved applications may be withdrawn as follows:

23 (1) Funds may be withdrawn at the end of the second ~~[state]~~ **State** fiscal year in which the funds were
24 allocated if the **prescribed burning** practices have not been completed.

25 (2) A 12-month extension may be granted by the NCFS when a project cannot be completed due to
26 circumstances beyond the control of the landowner, including adverse weather conditions or
27 ~~[unavailability of]~~ contractors. The landowner shall provide documentation to the NCFS requesting
28 funds availability to continue into a third state fiscal year. ~~[Such extensions should be the exception~~
29 **and not the norm.]**

30 (3) Recapture – **The** landowner ~~[will]~~ **shall** repay all or part of the cost share funds paid to them if there
31 is a:

32 (A) Failure to maintain the cost-shared acreage as forestland for 3 **consecutive** years
33 following project completion (project completion coincides with the cost-shared
34 acreage being prescribed burned) and/or;

35 (B) Change of ownership of the cost-shared acreage prior to the end of the 3-year
36 maintenance period following project completion ~~[where]~~ **and** the new landowner

1 does not agree in writing to maintain the cost-shared acreage as forestland for the
2 remainder of the original 3-year maintenance period.

3 (e) [In] Per G.S. 106-977, in any State fiscal year, the NCFS may use up to five percent (5%) of program
4 appropriations for program administration and support. Program appropriations may also be utilized for
5 position and operating expenses associated with one NCFS Prescribed Burning Coordinator full-time
6 employee position. The duties of this position shall include Prescribed Burning Program outreach, quality
7 control assistance, and coordination of burning partners statewide.

8 (f) Program applicants/participants may appeal disagreements, disapproval of applications, or decisions on
9 unsatisfactory completion of practices to the NCFS. Appeals must be delivered in writing to the applicable
10 NCFS District Office within 30 days of the initial NCFS postmarked communication decision. Final decisions
11 on cost share reimbursement will be made by NCFS management.

12
13 *History Note:* Authority G.S. 106-968; G.S. 106-969.

14 Eff. August 1, 2026.