

02 NCAC 38 .0401 amended with changes as published in 33:18 NCR 1855-1866 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, cord.~~ However, nothing in Section 2.4, "Fireplace and Stove ~~Wood~~, 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 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 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 boxes 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;~~

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~~ 2017;*
4 *Amended Eff. July 1, 2019.*
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02 NCAC 52B .0204 is readopted with substantive changes as published in 33:18 NCR 1856-1858 with 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]~~ is hereby incorporated by ~~[reference]~~ 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, ~~which is hereby incorporated by reference, including any amendments or subsequent editions,~~ 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; interstate certificate of veterinary inspection:~~
- (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~~ that 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~~ that 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 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 that the following is recorded on the official health certificate: interstate certificate of veterinary inspection:
- (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] State for any purpose.
- (2) No cattle affected with scabies shall be shipped, trailed, driven or otherwise imported into the [state] 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] State except in accordance with [9 CFR Part 73.] 9 CFR

1 Part 73, which is hereby incorporated by reference, including any amendments or subsequent
2 editions.

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4 *History Note: Authority G.S. 106-307.5; 106-361; 106-400;*
5 *Eff. April 1, 1984;*
6 *Amended Eff. August 1, 2004; May 1, 1992; June 1, 1988; December 1, 1987;*
7 *Readopted Eff. July 1, 2019.*

02 NCAC 52B .0207 is readopted with substantive changes as published in 33:17 NCR 1750-1751 with changes as follows:

02 NCAC 52B .0207 IMPORTATION REQUIREMENTS: SWINE

(a) All swine imported into the ~~state~~, State, except by ~~special permit~~ an interstate commercial swine movement agreement or for immediate slaughter, shall be accompanied by ~~a health certificate~~ an interstate certificate of veterinary inspection issued by a state, federal, or accredited veterinarian stating that they are free from any signs of an infectious or communicable disease and are not known to have been exposed to same. The ~~health certificate~~ interstate certificate of veterinary inspection shall contain the ear tag or tattoo number of each animal. The ~~health certificate~~ interstate certificate of veterinary inspection must show the pseudorabies status of both the herd and state or area of origin. Swine imported for feeding or breeding purposes shall be moved in clean and disinfected trucks or other ~~conveyances~~, conveyances to prevent the spread of infection to other swine. "Accredited veterinarian" means a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations, 9 CFR Part 161, which is hereby incorporated by reference, including any amendments or subsequent editions.

(b) Breeding swine and all other swine being shipped to a breeding swine premise shall originate from a "Validated Brucellosis-Free" herd or a "Validated Brucellosis-Free" State state and shall originate from a "Qualified Pseudorabies-Negative" herd, Qualified-Negative Gene-Altered Vaccinated Herd ~~(QNV)~~ (QNV), or Pseudorabies Stage IV or V (Free) State, state. Breeding swine and all other swine being shipped to a breeding swine premise originating from Stage II, II/III or III areas or states must also be isolated and test negative to a statistical 95/5 sample test using a pseudorabies serological test approved pursuant to Title 9, Part 85.1 of the Code of Federal Regulations 9 CFR Part 85.1, which is hereby incorporated by reference, including any amendments or subsequent editions, between 30 and 60 days after arrival and before being added to the herd.

(c) All feeder swine imported into the ~~state~~ State from a Pseudorabies Stage II, II/III, or III state or ~~area~~ area, as set forth under the USDA Pseudorabies Eradication State-Federal-Industry Program Standards, the definitions of which are incorporated by reference, including amendments and subsequent editions, and can be accessed at no cost at https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/prv_program_standards.pdf, shall be accompanied by a permit for entry issued by the State Veterinarian within 30 days prior to entry. The permit number and the date of issuance shall be shown on the ~~health certificate~~, interstate certificate of veterinary inspection. The feeder swine in the shipment must have been vaccinated for pseudorabies using a USDA-licensed pseudorabies vaccine with gI deletion and must have tested negative on a statistical (95/2) test within 30 days prior to shipment, and they shall be isolated and quarantined until slaughtered. In addition, the swine must be tested on statistical (95/2) test between 30 and 45 days after arrival. The swine must originate from a ~~Qualified-Negative~~ qualified negative pseudorabies or a pseudorabies monitored herd that has tested negative on a statistical (95/10) test within 30 days prior to shipment. Feeder swine from a pseudorabies-free state or area may be imported in accordance with Paragraph (a) of this Rule.

(d) Healthy swine for feeding purposes may move directly from a farm of origin in a contiguous state ~~on which~~ where they have been located for not less than 30 days to a livestock market or stockyard in North Carolina that has been state-federal approved for handling feeder swine, without the ~~health certificate~~ interstate certificate of veterinary

1 inspection required herein, provided such swine are accompanied by proof of the pseudorabies status of the herd of
2 origin. ~~Such~~ The swine shall be inspected by a state or federal inspector or approved accredited veterinarian prior to sale
3 at the market.

4 (e) Healthy swine may be shipped into the ~~state~~ State for immediate slaughter without ~~a health certificate~~ an interstate
5 certificate of veterinary inspection provided they go directly to a slaughtering establishment under State or ~~Federal~~
6 federal inspection, or to a state-federal approved livestock market or stockyard for sale to a slaughtering establishment
7 under State or ~~Federal~~ federal inspection for immediate slaughter only.

8 (f) Swine from a pseudorabies-quarantined herd or swine ~~which~~ that have been in contact with pseudorabies-quarantined
9 swine may be imported into the ~~state~~ State for immediate slaughter only under the following conditions:

- 10 (1) the swine must be accompanied by a shipping permit (Veterinary Services Form 1-27) issued by ~~a~~
11 ~~veterinarian accredited pursuant to 9 CFR 161,~~ an accredited veterinarian or a state or federal animal
12 health employee, consigning the swine only to a slaughtering establishment under ~~state~~ State or federal
13 inspection;
- 14 (2) the vehicle transporting the swine must be sealed after loading with an official USDA or state of origin
15 seal. The seal number must be recorded on the VS Veterinary Services Form 1-27. The seal can be
16 broken or removed only by an NCDA&CS or a USDA employee or other individual authorized by the
17 State Veterinarian; and
- 18 (3) the vehicle used to transport the swine must be cleaned, including any animal waste, and disinfected to
19 prevent the spread of disease immediately after unloading the swine and prior to using the vehicle to
20 transport other livestock.

21 (g) ~~Sporting swine:~~ Feral Swine:

22 (1) ~~For purposes of this Rule:~~

23 (A) ~~"Sporting swine" means any domestic or feral swine intended for hunting purposes and~~
24 ~~includes the progeny of these swine whether or not the progeny are intended for hunting~~
25 ~~purposes; and~~

26 (B) ~~"Feral swine" means any swine that have lived any part of its life free roaming.~~

27 (2) ~~No person shall import sporting swine into North Carolina unless:~~

28 (A) ~~The swine have not been fed garbage within their lifetime; and the herd of origin is validated~~
29 ~~brucellosis free and qualified pseudorabies negative; and~~

30 (B) ~~The swine have not been members of a herd of swine known to be infected with brucellosis~~
31 ~~or pseudorabies within the previous 12 months; and~~

32 (C) ~~The individual animals six months of age or over have a negative brucellosis and~~
33 ~~pseudorabies test within 30 days of movement; and~~

34 (D) ~~The swine have not been a part of a feral swine population or been exposed to swine captured~~
35 ~~from a feral swine population within the previous 12 months; and~~

(E) ~~The swine are accompanied by a health certificate or certificate of veterinary inspection identifying each animal by ear tag, breed, age, sex, the state of origin, and certifying that the swine meet the import requirements of North Carolina.~~

- (1) ~~As used in this section, “feral swine” means any untamed or undomesticated hog, boar, or pig; swine whose reversion from the domesticated state to the wild state is apparent; evident; or an otherwise freely roaming swine having no visible tags, marking, or characteristics indicating that such swine is from a domestic herd. Feral swine includes members of the species *Sus scrofa* Linnaeus, including, but not limited to, including swine commonly known as old world swine, Russian wild boar, European wild boar, Eurasian wild boar, and razorbacks. Feral swine does not include members of the species *Sus domestica* which are involved in domestic hog production.~~
- (2) ~~No person shall import or transport live feral swine in this state. State.~~
- (3) ~~To prevent the spread of contagious animal disease, no No person shall release any hog, boar, pig, or swine to live as a feral swine in North Carolina.~~

~~Note: Violation of this Rule is a Class 2 misdemeanor under G.S. 106-307.6.~~

History Note: Authority G.S. 106-307.5; 106-316.1; 106-317; 106-318;
Eff. April 1, 1984;
Amended Eff. February 1, 1996; May 1, 1992; June 1, 1989; January 1, 1989;
Temporary Amendment Eff. April 3, 2000; February 21, 2000; April 30, 1999;
Amended Eff. April 1, 2001; July 1, 2000-2000;
Readopted Eff. July 1, 2019.

02 NCAC 52E .0402 is readopted as published in 33:17 NCR 1751 **with changes** as follows:

02 NCAC 52E .0402 STYLE AND LOCATION OF BRAND

(a) No brand shall be accepted for registration that:

(1) contains any numbers;

(2) because of shape would be difficult to read when affixed to the animal; or

(3) is a close likeness to another registered ~~brand~~ **brand, in accordance with G.S. 80-60.**

(b) If practical, a brand shall be located on either the right or left hip to the rear of the hip bone. In any event, the brand shall be ~~easily read~~ **readable** from a side or top view of the animal.

History Note: Authority G.S. 80-61;

Eff. April 1, ~~1984~~. 1984;

Readopted Eff. July 1, 2019.

02 NCAC 52G .0303 is readopted as published in 33:17 NCR 1751 **with changes** as follows:

02 NCAC 52G .0303 PROTECTION OF CONFIDENTIAL INFORMATION

Information submitted by **producers, handlers, dealers, distributors, vendors, manufacturers, or** users of biologics **herein referred to** shall be treated as confidential information to the extent that the release thereof will divulge the contents or formulation of such product.

History Note: Authority G.S. **106-24.1; 106-709;** 106-712;

Eff. April 1, ~~1984~~.1984;

Readopted Eff. July 1, 2019.