

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Agriculture

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: Tuesday, July 8, 2014**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*As you are amending these Rules under G.S. 106-520.3A, please confirm that you received approval from the State Board of Agriculture and consulted with the Division of Public Health in this rulemaking, as required by G.S. 106-520.3A(d).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 23, 2014

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Agriculture

RULE CITATION: 02 NCAC 52K .0301

**DEADLINE FOR RECEIPT: Tuesday, July 8, 2014**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In Item (1), line 8, please confirm that "animal contact" is similar to the definition of "animal contact exhibit" in Rule .0201(2).*

*In Item (2), I take it the "prohibited items" are the items listed in Rule .0402 of the Subchapter. Is that correct?*

*In Item 3, line 10, do you need the "in"? I would think "the identity" would be sufficient.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 23, 2014

02 NCAC 52K .0301 is amended as published in 28:18 NCR 2183 as follows:

### SECTION .0300 - SIGNAGE

#### 02 NCAC 52K .0301 SIGNAGE

An animal contact exhibit shall provide visible signage at the entrance and exit of the exhibit to educate the public regarding:

- (1) the fact that animal contact may pose a health risk;
- (2) items that are prohibited in animal areas;
- (3) in the identity of high risk populations, including:
  - (a) the elderly;
  - (b) children under the age of six; ~~and~~
  - (c) women who are pregnant; and
  - (d) people with an existing health condition; and
- (4) the location of hand-washing stations.

*History Note: Authority G.S. 106-520.3A;*

*Eff. August 1, 2014; September 1, 2006.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Agriculture

RULE CITATION: 02 NCAC 52K .0401

**DEADLINE FOR RECEIPT: Tuesday, July 8, 2014**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a)(1), line 9, generally "but not limited to" is not needed in Rule. By stating it includes, it is presumed that this is not a limitation. As such, delete "but not limited to," and state, "animal rides (including pony, camel and elephant rides);"*

*I take it your regulated public knows in (a)(3), line 12, what "limited possibility of contact" means?*

*In (b), line 17, "at least" is generally not favored in rule language, as the rule sets the minimum standards. Unless you have a reason to keep it, please delete. Note the same for line 18.*

*On line 18, I believe it should read, "board or panel at the bottom..."*

*I take it in (c) that your regulated public knows what a child is? (In some rules, child is defined as 12 or under; in others, it is 14 and under, etc.) It may be that it does not matter for the purposes of this Rule, or that you intend to allow anyone to be able to reach through. As such, I wanted to inquire.*

*Also on line 19, I believe you mean "through or over to pet and feed..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 23, 2014

02 NCAC 52K .0401 is amended as published in 28:28 NCR 2183-2184 as follows:

## SECTION .0400 – OPERATIONS AND STAFFING

### 02 NCAC 52K .0401 FENCING

(a) Animals and bedding shall be separated from the public with fencing to minimize the public's contact with manure and bedding. This does not apply to ~~persons riding ponies or horses or adults accompanying children riding ponies or horses. to:~~

(1) animal rides (including, but not limited to, pony, camel, and elephant rides);

(2) milking booths; or

(3) the petting of an animal held or restrained outside of its housing area by an exhibit operator or patron as part of an educational or photographic opportunity where there is limited possibility of contact with manure and bedding.

~~(b) Fencing may allow children to reach through or over to pet and feed animals.~~

~~(c) Fencing shall be at least 29 inches high. On the side(s) of the exhibit intended for public contact, the fencing shall have a solid board or panel at the bottom at least eight inches high to contain manure and bedding.~~

(b) Fencing shall be at least 29 inches high. On the side(s) of the exhibit intended for public contact, the fencing shall have a solid board or panel a the bottom at least eight inches high to contain manure and bedding.

(c) Fencing may allow children to reach through or over the pet and feed animals.

*History Note: Authority G.S. 106-520.3A;*

*Eff. August 1, 2014; September 1, 2006.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Agriculture

RULE CITATION: 02 NCAC 52K .0501

**DEADLINE FOR RECEIPT: Tuesday, July 8, 2014**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), what will happen when this is not feasible? Is the station placed as close as possible as 10 feet or is the station just not put in place?*

*In (b), I take it your regulated public knows what is suitable for small children?*

*In (d), line 12, should it read, "Such dispensers may be placed at the entrance of milking booths"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 23, 2014

02 NCACA 52K .0501 is amended as published in 28:18 NCR 2184 as follows:

**SECTION .0500 – FOOD, DRINK AND HAND-WASHING**

**02 NCAC 52K .0501      HAND-WASHING STATIONS**

(a) Hand-washing stations with soap, running water, paper towels and disposal containers shall be located within 10 feet of the exit of an animal contact exhibit, wherever feasible.

(b) Hand-washing stations suitable for small children shall be available in the same ~~area~~ area as the stations in Paragraph (a).

(c) Signage shall be provided to direct patrons to hand-washing stations.

(d) In order to promote hand-washing with soap and water, dispensers for waterless hand sanitizing lotions, gels or hand wipes shall not be provided in the transition or exhibit area. Such dispensers may be placed at the entrance to milking booths to reduce the potential for introduction of disease to the exhibit animals.

*History Note:      Authority G.S. 106-520.3A;  
                             Eff. September 1, 2006;  
                             Amended Eff. August 1, 2014; November 1, 2008.*