

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Labor

RULE CITATION: 13 NCAC 07G .0101

**DEADLINE FOR RECEIPT: Friday, October 9, 2015**

**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 the Submission for Permanent Rule form:*

- *The adoption by agency date is not the proposed effective date; rather, it is the date the Commissioner took final action to adopt the rule. Please put that date on the form.*
- *Please provide a brief explanation for the agency's action in Box 9B.*

*In (a), you cannot have a (1) without a (2). I recommend stating something like:*

- (a) The recommendations issued by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), as contained in... as published in 2004 with respect to the handling of antineoplastic agents are hereby incorporated by reference, including subsequent amendments and editions.*

*Or use the format as it was published in the Register.*

*Pursuant to G.S. 150B-21.6, whenever an agency incorporates a standard by reference, it must state where the reference may be purchased or found and at what cost. If the standard is available online for free, you can give the url and state something that the document may be accessed at no charge. I found it online at this address: <http://www.cdc.gov/niosh/docs/2004-165/pdfs/2004-165.pdf>*

*What is the purpose of Paragraph (b)?*

*In Paragraph (b), line 15, please capitalize "Rule." Since you published the term capitalized, you do not need to show that as a change.*

*On line 16, aren't all of the agency's rules in the North Carolina Code state-specific?*

*In Paragraph (c), line 18, please delete or define "properly"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 25, 2015

*On lines 18 and 19, please replace “and/or” with “or” assuming you mean state or federal regulations or both. And you may wish to state “adopted state rules or federal regulations...”*

*On line 19, please replace “will” with “shall”*

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: September 25, 2015

13 NCAC 07G .0101 is adopted as published in Volume 30 Issue 1 of the North Carolina Register with changes as follows:

## SUBCHAPTER 7G - HANDLING OF ANTINEOPLASTIC AGENTS

### SECTION .0100 -- INCORPORATED STANDARDS

#### **13 NCAC 07G .0101 HANDLING OF ANTINEOPLASTIC AGENTS**

(a) The following recommendations with respect to the handling of antineoplastic agents are incorporated by reference, including subsequent amendments and editions:

- (1) The recommendations issued by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), as contained in the Alert: Preventing Occupational Exposure to Antineoplastic and Other Hazardous Drugs in Health Care Settings, as published in 2004.

(b) Nothing in this rule is intended to supersede existing occupational safety and health standards and regulations adopted and enforced by the North Carolina Department of Labor, including state-specific rules codified in the North Carolina Administrative Code.

(c) Where the NIOSH recommendations are inconsistent with properly adopted state and/or federal regulations, compliance with the state and/or federal regulation will be accepted in lieu of compliance with the NIOSH recommendations.

*History Note: Authority G.S. 95-156; ~~G.S. 95-134~~  
Eff. January 1, 2016*