

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 48C .0113

**DEADLINE FOR RECEIPT: Thursday, December 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 5, 8, and 11, replace "which" with "that"*

*Line 5, correct the citation to the NCAC. The correct citation may be 02 NCAC 48C .0116.*

*Lines 6 and 11, define or delete the term "correctly"*

*Line 7, replace "must" with "shall"*

*Line 9, delete the "or" before "exposed"*

*Line 9, add a comma after "for sale"*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, November 24, 2015

1 02 NCAC 48C .0113 is amended as published in 30:05 NCR 540

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**02 NCAC 48C .0113 RECORDING FLUE-CURED VARIETIES**

(a) It shall be the duty of the Commissioner to accept annually for the purpose of recording only the flue-cured tobacco varieties which have been declared by the Tobacco Seed Committee (as identified in 2 NCAC 48C .0016) to have been correctly identified as carrying the true characteristics of the variety, based on the evidence presented by each grower of each variety being recorded. The recording must be made prior to December 1 preceding each growing season, using the same designation for each variety which was used when the variety was first sold, offered, or exposed for sale or recorded officially with an agency responsible for the enforcement of a state seed law.

(b) The Commissioner shall refuse to accept for recording any flue-cured tobacco variety, by any grower or distributor, which has not been declared by the Tobacco Seed Committee to be correctly identified. Nothing in this Rule shall be interpreted to prohibit two or more persons recording a variety if the same designation is used for the variety by all persons recording. ~~Provided, that the grower of seed of a variety that is refused recording may appeal to the Board of Crop Seed Improvement. Notice of such appeal shall be given to the chairman of said board, including such evidence and pertinent documents bearing on the appeal.~~

*History Note: Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 48C .0115

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 4, replace "Section 106-277.2(40), North Carolina Seed Law" with "G.S. 106-277.2(2f)"*

*Lines 5 and 8, replace "will" with "shall"*

*Line 6, replace "which" with "that"*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, November 24, 2015

1 02 NCAC 48 C .0115 is amended as published in 30:05 NCR 540

2 **02 NCAC 48C .0115 RECORDING BLENDS**

3 (a) It shall be the duty of the Commissioner of Agriculture to accept for the purpose of recording any combination of  
4 varieties identified with a "blend" designation as identified in Section 106-277.2(40), North Carolina Seed Law.

5 (b) The request for recording will be supported by an affidavit stating the component varieties and research  
6 information which shows an advantage of the "blend" over the singular use of either component variety. Each lot of  
7 seeds offered under the same blend designation shall always be made up in the same percentage of each variety.

8 (c) A two-pound planting sample will be provided upon recording and may be requested annually by the  
9 Commissioner from each producer of a blend, as long as the blend is being offered or exposed for sale.

10 ~~(d) Any request for the recording of a "blend" which is refused may be appealed to the Board of Seed Crop~~  
11 ~~Improvement. Notice of such appeal shall be given to the chairman of said board, including such evidence and~~  
12 ~~pertinent documents bearing on the appeal.~~

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14 *History Note: Authority G.S. 106-277.15;*

15 *Eff. February 1, 1976;*

16 *Transferred from T02.11C Eff. January 1, 1985.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 52C .0701

**DEADLINE FOR RECEIPT: Thursday, December 10, 2015**

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 17, is the correct name still the "Veterinary Division"?*

*Lines 18 and 21, replace "must" with "shall"*

*Line 19, how does a person know the "USDA-approved laboratory for testing? Please cite and consider incorporating the information in accordance with [G.S. 150B-21.6](#).*

*Line 20, how does a person know where to send the laboratory report? Either cross-reference an address rule or provide the contact information.*

*Line 23, is this information available on a website that could be listed? Please clarify.*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, November 24, 2015

1 02 NCAC 52C .0701 is amended as published in 29:19 NCR 2229 as follows:

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3 **SECTION .0700 – MISCELLANEOUS REQUIREMENTS**  
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5 **02 NCAC 52C .0701 INTRASTATE REQUIREMENTS: CERVIDAE**

6 (a) Cervidae that originate from herds containing cervidae only may be sold within North Carolina, if they test negative  
7 for tuberculosis within 60 days of change of ownership.

8 (b) Cervidae that are commingled with domestic livestock may be sold within North Carolina provided that domestic  
9 cattle are tested annually, and all cervidae and bovidae other than domestic cattle and bison are tested negative for  
10 tuberculosis within 60 days prior to moving intrastate.

11 (c) Cervidae owners shall maintain records showing:

- 12 (1) date and source of new additions to the herd;  
13 (2) date of deaths of cervidae and copy of laboratory report on cause of death; and  
14 (3) date of sale or other disposition of any animal from a herd containing cervidae and the name and  
15 address of person who received the animal.

16 These records shall be maintained by the cervidae owner for a period of five years and shall be made available for  
17 inspection and copying by an employee of the Veterinary Division.

18 (d) All captive cervidae of any species ~~six~~ twelve months of age or older that die of any cause must be tested for Chronic  
19 Wasting Disease. The animal's head shall be submitted to a USDA-approved laboratory for testing. A copy of the  
20 laboratory report shall be sent to the State Veterinarian.

21 (e) Cervidae owners must comply with the "Uniform Methods & Rules: Tuberculosis Eradication in Cervidae," U.S.  
22 Department of Agriculture, which is hereby adopted by reference, including subsequent editions and amendments. A  
23 copy of this document may be obtained from the Veterinary Division at no charge.  
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25 *History Note: Authority G.S. 106-317; 106-400;*  
26 *Eff. July 1, 1998;*  
27 *Amended Eff. August 1, 2004; August 1, 2002.*  
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