

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 37 .0201

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

PLEASE NOTE: This request 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 6-7 – this first sentence is unnecessary – consider deleting it.

Line 7-8 – replace “All samples will be analyzed for” with “The Agronomic Services Division shall analyze all samples for”

Line 9 – replace “Nutrient” with “The Agronomic Services Division shall make nutrient”

Line 9 – delete “will be made”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Tuesday, July 25, 2017

1 02 NCAC 37 .0201 is readopted as published in 31:15 NCR 1534 as follows:

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SECTION .200 – PROGRAMS

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02 NCAC 37 .0201 SOIL TESTING SERVICE

6 Individuals desiring soil tests may obtain the soil container and instructions from the Agronomic Services Division, county
7 extension office, farm supply dealers, Agronomic Division Regional Agronomists, or other local agricultural advisors. All
8 samples will be analyzed for volume weight, pH, BpH, humic matter, phosphorus, potassium, calcium, magnesium,
9 manganese, copper and zinc. Nutrient and management recommendations will be made to correct deficiencies or toxicities
10 by the application of lime, fertilizer, and other soil amendments.

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12 *History Note: Authority G.S. 106-22(17);*

13 *Eff. July 17, 1981;*

14 *Amended Eff. June 1, 1990;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,*
16 *2015.*

17 *Readopted Eff. May 24, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 37 .0202

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

PLEASE NOTE: This request 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 4-6 – this first sentence is unnecessary – consider deleting it.

Line 6 – replace “All samples shall be analyzed for” with “The Agronomic Services Division shall analyze all samples for”

Line 7 – what does “as needed” mean – what standards, factors or circumstances govern the decision to do additional analysis?

Line 8 – add “by the Agronomic Services Division” after “provided”

Line 10 – replace “are” with “shall be”

Lines 11-24 – what is the Board’s authority for some of these fees? The statute that is cited, G.S. 106-22(17), requires the Board to charge fees for “plant analysis, nematode testing, in-State soil testing during peak season, out-of-state soil testing, and expedited soil testing.”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Tuesday, July 25, 2017

1 02 NCAC 37 .0202 is amended as published in 31:15 NCR 1534-1535 as follows:
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3 **02 NCAC 37 .0202 PLANT ANALYSIS SERVICE**

4 (a) Individuals desiring plant analysis may obtain plant tissue mailers and instructions from the Agronomic Services
5 Division, county extension office, farm supply dealers, Agronomic Division Regional Agronomists, or other local
6 agricultural advisors. All samples shall be analyzed for nitrogen, phosphorus, potassium, calcium, magnesium,
7 manganese, copper, zinc, boron and other elements as needed. Results of the test and recommendations for
8 corrective action shall be provided. For the purposes of this Rule, "plant analyses" shall include analysis of wastes,
9 soilless media, and other solutions for agronomic purposes.

10 (b) Fees for these services, to be paid at the time of submission, are as follows:

- 11 (1) Routine plant analysis - \$5.00.
- 12 (2) Routine solution analysis - \$5.00.
- 13 (3) Routine soilless media analysis - \$5.00.
- 14 (4) Routine waste analysis - \$8.00.
- 15 (5) Research plant, waste, soilless media, and solution analysis - \$12.00.
- 16 (6) Nonresident plant, waste, soilless media, and solution analysis - \$25.00.
- 17 (7) Special services:
 - 18 (A) ~~Waste-heavy~~ Heavy metals - \$10.00; \$20.00
 - 19 (B) Waste-N breakout - \$10.00.
 - 20 (C) Waste-liming equivalent - \$10.00.
 - 21 (D) Plant-chloride - \$2.00.
 - 22 (E) ~~Plant molybdenum~~ Molybdenum - \$2.00.
 - 23 (F) Plant-petiole nitrates - \$2.00.
 - 24 (G) Bulk density - \$10.00.

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26 *History Note: Authority G.S. 106-22(17);*
27 *Eff. July 17, 1981;*
28 *Temporary Amendment Eff. July 7, 1989 for a Period of 180 Days to Expire on January 2, 1990;*
29 *Amended Eff. June 1, 1990; January 2, 1990;*
30 *Temporary Amendment Eff. December 3, 2013;*
31 *Amended Eff. June 1, 2014;*
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
33 *19, 2015.*
34 *Amended Eff. May 24, 2017.*