

1 02 NCAC 61 .0101 is amended as published in 36:20 NCR 1607 as follows:

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3 **CHAPTER 61 - SANITATION OF BEDDING**

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5 **02 NCAC 61 .0101 DEFINITIONS**

6 The following definitions shall apply throughout ~~[these Rules;]~~ the rules of this Chapter:

7 (1) “Chemical Method” means a process accomplished by application of a disinfectant registered by  
8 the U.S. Environmental Protection Agency under 7 U.S.C. Chapter 125 SEC. 3. [136a] of the  
9 Federal Insecticide, Fungicide, and Rodenticide Act, and labeled as a disinfectant for bedding.

10 ~~(2)~~ (2) “Chief Financial Officer” means the officer or employee with primary bookkeeping responsibility  
11 for a business that manufactures manufactures, or sanitizes sanitizes, [sells] sells, or offers to sell  
12 bedding in this [State] State, or manufactures [and sells or offers to sell] bedding to be sold in this  
13 state.

14 (3) “Division” means the Structural Pest Control and Pesticides Division of the N.C. Department of  
15 Agriculture and Consumer Services.

16 (4) “Dry Heat Method” means a process accomplished by conduction, where heat is absorbed by the  
17 exterior surface of an item and then passed inward to the next layer.

18 ~~(5)~~ (5) “Person” means an individual, corporation, company, partnership, or other legal entity.

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20 *History Note: Authority G.S. 106-65.107;*  
21 *Eff. April 1, 1984;*  
22 *Amended Eff. January 1, 1988;*  
23 *Transferred from 15A NCAC 18B .0201 Eff. May 1, 2012;*  
24 *Readopted Eff. January 1, 2021;*  
25 *Amended Eff. December 1, 2022.*

1 02 NCAC 61 .0102 is amended as published in 36:20 NCR 1607-1608 as follows:

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3 **02 NCAC 61 .0102 AUTHORIZED SANITIZING PROCESSES**

4 (a) ~~In the dry heat process, secondhand or previously used bedding must be heated at a temperature of 230 degrees F. for a period of two hours. The chamber in which this process is performed must be insulated sufficiently to ensure maintenance of a uniform temperature of 230 degrees F. Articles to be sanitized must be placed on racks, or other devices provided therein so that a minimum space of six inches is left around each item being sanitized, and between the item and the walls, floor, ceiling, and other items. Loose materials to be sanitized must be placed on tiers or slats, or in other arrangements that permit an even distribution of heat throughout the material. A thermometer that has been checked for accuracy within one degree F. must be placed within the chamber at a point where it can be read at all times through a window for that purpose.~~

12 (b) ~~In the washing process, the bedding shall be boiled for two hours and washed with a soap or detergent. After drying, the bedding shall be free from dirt, marks, stains, or other offensive odors or materials.~~

14 ~~[(a) The dry heat process may be used to sanitize secondhand mattresses, innersprings, or similar covered in whole or in part by a porous material or fabric. In order to properly sanitize using the dry heat process:]~~

16 ~~(a) Sanitization pursuant to G.S. 106-65.95 shall be done by one of three methods provided in the Rule: the dry heat process, the chemical method, or the washing process.~~

18 ~~(b) The dry heat process may be used to sanitize secondhand mattresses, innersprings, or similar covered in whole or in part by a porous material or fabric. In order to properly sanitize using the dry heat process:~~

20 ~~(1) The bedding must be heated to a temperature of 230 degrees F. for a period of two hours. All chambers shall be insulated to ensure maintenance of uniform temperature of 230 degrees Fahrenheit and shall be tightly sealed to prevent any leakage of gases. Materials to be sanitized must be placed on racks, or other devices provided therein so that a minimum space of six inches is left around each item being sanitized, and between the item and the walls, floor, ceiling, and other items.]~~

26 ~~(2) Loose materials to be sanitized must be placed on tiers or slats, or in other arrangements that permits an even distribution of heat throughout the material; and~~

28 ~~(1) To be sanitized by the dry heat method, all items to be sanitized shall be placed upon a rack or other device which provides a minimum distance of six inches from the floor and in an arrangement that provides even distribution of heat throughout the items, and placed in a sealed chamber. All items to be sanitized shall be separated a minimum distance of six inches from the walls, floors, and ceilings of the chamber and every other item being sanitized. The temperature in the chamber shall be raised to 230 degrees Fahrenheit and that temperature shall be maintained for two hours.~~

34 ~~[(3)(2) A thermometer [that has been checked for accuracy] accurate to within one-degree Fahrenheit [must] shall be placed within the chamber [at a point(s) where it can always be easily read to determine the temperature accuracy of the equipment.] during each dry heat process. The thermometer shall be visible and checked every 15 minutes by the operator of the chamber to ensure~~

1 the chamber maintains the temperature set forth in Subparagraph (b)(1) of this Chapter. Should the  
2 temperature fall below 230 degrees during the process, the dry heat process shall re-start for an  
3 additional two hours.

4 ~~[(b) The chemical method of sanitizing is authorized if performed in accordance with the requirements of this rule.  
5 Only those products evaluated and registered by the US Environmental Protection Agency (EPA) and the Division,  
6 as approved for use as disinfectants of articles of bedding shall be used. The product used must clearly state, on the  
7 label or on printed materials included on each container or package, detailed instructions for its use in disinfecting  
8 articles of bedding. It is a violation of this Rule to use an unregistered product, or to use a registered product in a  
9 manner inconsistent with its label or accompanying printed material, in the sanitizing process.]~~

10 (c) No product shall be used in a manner inconsistent with its labeling or instructions in the sanitization process.

11 (d) The chemical method of sanitizing is authorized if performed in accordance with the requirements of this rule.  
12 Only those products evaluated and registered by the United States Environmental Protection Agency ('EPA') and the  
13 Division, as approved for use as disinfectants of articles of bedding shall be used. The product used must clearly state,  
14 on the label or on printed materials included on each container or package, detailed instructions for its use in  
15 disinfecting articles of bedding. No person shall use an unregistered product or use a registered product in a manner  
16 inconsistent with its labeling or these rules in the sanitization process.

17 ~~[(e) In the washing process, the bedding shall be boiled for two hours with a soap or detergent. After drying, the  
18 bedding shall be free from dirt, marks, stains, or other offensive odors or materials.]~~

19 (e) In the washing process, the bedding shall be boiled for two hours with a soap or detergent. The product is  
20 considered sanitized after drying, and the bedding shall be free from dirt, marks, stains, or other offensive odors or  
21 materials.

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23 *History Note: Authority G.S. 106-65.107;*  
24 *Eff. April 1, 1984;*  
25 *Amended Eff. January 1, 1985;*  
26 *Transferred from 15A NCAC 18B .0202 Eff. May 1, 2012;*  
27 *Readopted Eff. January 1, 2021.*  
28 *Amended Eff. December 1, 2022.*

1 02 NCAC 61 .0104 is adopted as published in 36:20 NCR 1608 as follows:

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3 **02 NCAC 61 .0104 RECORDKEEPING FOR SANITIZATION**

4 (a) A person who sanitizes as defined by G.S. 106-65.95(7), previously used material or bedding shall keep a record  
5 of the kind of material and bedding which has been sanitized, that is available for inspection by the  
6 Division, sanitized.

7 (b) The record shall be retained on the business premises [and/or] or with each mobile unit for [not less than] two  
8 years and shall be made available for inspection by the Division upon request.

9 (c) The record shall include the following:

10 (1) the date of sanitization;

11 (2) the sanitization method used;

12 (3) the kind of materials and types of items sanitized;

13 (4) the unit number of bedding articles sanitized;

14 (5) a list of all chemicals, including EPA Reg. numbers, total amount applied per application used in  
15 the pre- and post-sanitizing process; and

16 (6) the name of the person [and/or] and company performing the sanitization.

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18 *History Note: Authority G.S. 106-65.107;*

19 *Eff. December 1, 2022.*

1 02 NCAC 61 .0105 is amended as published in 36:20 NCR 1608 as follows:

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3 **02 NCAC 61 ~~[.0106].0105.0106~~ STORAGE OF SECONDHAND OR PREVIOUSLY-USED MATERIALS**

4 When secondhand bedding or previously-used materials that have not been sanitized are stored in a bedding  
5 manufacturing establishment, a sanitizing business, a retail outlet, a distribution warehouse, ~~or~~ and in the same room  
6 with new or sanitized bedding or bedding materials, the secondhand bedding or previously-used materials ~~must~~ **shall**  
7 be segregated ~~[at all times]~~ from the new or sanitized bedding or bedding ~~materials~~ materials:

8 (1) by partitions that are free of holes, cracks, or other openings. The top of the partitions must be at least one  
9 foot higher than the level of the unsanitized ~~materials~~ materials; or

10 (2) by complete separation by a minimum of six feet.

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12 *History Note: Authority G.S. 106-65.98; 106-65.107;*  
13 *Eff. April 1, 1984;*  
14 *Transferred from 15A NCAC 18B .0205 Eff. May 1, 2012;*  
15 *Readopted Eff. January 1, 2021.*  
16 *Amended Eff. December 1, 2022.*

02 NCAC 61 .0108 is amended as published in 36:20 NCR 1608-1609 as follows:

**02 NCAC 61 ~~.0109~~.0108.0109 LICENSE FEES AND APPLICATIONS**

(a) Applications for a license shall be on a form provided by the Division and shall ~~include~~contain the following information:

- (1) the name of the business;
- (2) the physical address for the plant or operation;
- (3) the name, title, mailing address, and telephone number and email address if available, for the contact person for the ~~license; and license;~~
- (4) the type of bedding ~~items~~units the business ~~manufactures~~manufactures, sanitizes or renovates;
- (5) a physical sample of the tag, which the applicant shall use as required by G.S. 106-65.99 and 02 NCAC 61 .0110, and shall not include paper, photo, or electronic copies;
- (6) the current copy of the Uniform Registration Number certificate from the issuing state;
- (7) the signature of Chief Financial Officer.

(b) In addition to the information required in paragraph (a) of this Rule, renewal applications shall also contain the following information:

- (1) the number of bedding units manufactured in North Carolina, but not sold in North Carolina;
- (2) the number of bedding units manufactured in North Carolina and sold in North Carolina;
- (3) the number of bedding units manufactured outside of North Carolina, or the United States, and sold in North Carolina;
- (4) Number of bedding units sanitized or renovated in North Carolina.

~~(b)~~(c) The applicant shall submit a verification from the applicant's chief financial officer that he has examined the records of the applicant and that the information provided in accordance with G.S. 106-65.103 correctly reflects the information contained in the records of the applicant. However, based upon its review of an applicant's prior years' licensing submissions, or documentation from its compliance monitoring inspections if the Division has reason to believe that the information provided is incomplete, misleading or incorrect, the Division may require the applicant to obtain a certification of the required information by an independent Certified Public Accountant licensed to practice in North Carolina.

~~(c)~~(d) License renewal fees, in accordance with G.S. 106-65.103, shall be paid in full on March 1 of each ~~year~~year or in quarterly installments on March 1, June 1, September 1, and December 1 of each year. Applicants who have not operated for a full calendar year may owe additional fees or be due a refund for the first year's ~~operation, depending on the business volume eligible for stamp exemption fee payment.~~operation. Application forms for making the determination of fee payment owed or refunded shall be furnished by the ~~Division~~Division and shall include the information contained in paragraph (a) of this Rule. When the requirements of G.S. 106-65.103(a) can be met, the option described by G.S. 106-65.103(b) will no longer be available to the applicant.

1 (d) Applicants who have gone out of business in the initial year of their operation and who have paid the license fee  
2 in accordance with G.S. 106-65.103 may ~~apply~~request for a refund for the remainder of the calendar year upon  
3 providing ~~verified proof of~~ the number of the bedding units sold or manufactured in North Carolina during the  
4 operating portion of the calendar year-year as verified in writing by the Chief Financial Officer.

5 [(e) All forms may be obtained from the Division at [www.ncagr.gov/SPCAP/Sleep/beddinglicense.htm](http://www.ncagr.gov/SPCAP/Sleep/beddinglicense.htm).]

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7 *History Note: Authority G.S. 106-65.103; 106-65.107;*  
8 *Eff. April 1, 1984;*  
9 *Amended Eff. September 1, 1990; January 1, 1988;*  
10 *Transferred from 15A NCAC 18B .0208 Eff. May 1, 2012;*  
11 *Readopted Eff. January 1, 2021.*  
12 *Amended Eff. December 1, 2022.*

1 02 NCAC 61 .0110 is amended as published in 36:20 NCR 1609 as follows:

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3 **02 NCAC 61 ~~[.0111].0110~~.0111 DURABLE MATERIALS FOR TAGS**

4 In addition to the requirements set forth in G.S. 106-65.99, identifying tags shall be of linen, muslin, white vellum  
5 cloth, or other durable cloth material [of comparable quality] that will not flake when abraded ~~[and shall not be easily]~~  
6 or be torn. ~~abraded~~. Paper or plastic face tags shall not be allowed. Tags shall be printed or stamped on one side only  
7 in colorfast black letters that will not fade or wash out. Tags shall be so located that the information contained thereon  
8 is visible to the purchaser at all times and shall be securely [attached] scwn [or sewn] ~~sewed~~ to the ~~pillows, mattresses,~~  
9 ~~sleeping bags, comforters, and other articles of bedding.~~ ~~[Tags shall not be altered or defaced in any manner.]~~ The  
10 labeling requirements of ~~another~~ other governmental units may appear on the tag.

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12 *History Note: Authority G.S. 106-65.99; 106-65.107;*

13 *Eff. April 1, 1984;*

14 *Amended Eff. January 1, 1988;*

15 *Transferred from 15A NCAC 18B .0210 Eff. May 1, 2012;*

16 *Readopted Eff. January 1, 2021;*

17 *Amended Eff. December 1, 2022.*