

Burgos, Alexander N

To: Duke, Lawrence
Subject: RE: Request for Changes 02 NCAC 52B .0212 and .0214

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, October 18, 2022 11:47 AM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: Request for Changes 02 NCAC 52B .0212 and .0214

FYI:

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Wednesday, October 12, 2022 4:25 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Peaslee, William W <bill.peaslee@oah.nc.gov>
Subject: RE: Request for Changes 02 NCAC 52B .0212 and .0214

Good afternoon Mr. Duke,

Attached are the requested technical changes, as well as the explanations requested in the original document. Please let me know if you need anything additional.

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

The imposition of a question implies that the rule as written is unclear or there is some ambiguity. If the request includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "~~a~~Association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day, ~~;~~ and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 52B .0212

DEADLINE FOR RECEIPT: September 9, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: G.S. 106-317 grants the Board authority to “establish a system of health certificates and permits for the better protection of swine and livestock.” Explain the agency’s authority to regulate other animals. Is there a definition of livestock by statute or code? Is a skunk “livestock”? Are camelids, elephants, or “any other species or hybrid of a mammal” livestock? The Board has a historically recognized authority to require health certificates for the importation any animal into the State that poses a risk of disease to swine, poultry, or livestock within the State. This authority is not limited to regulating the importation of swine or livestock. G.S. 106-317 states “The North Carolina Board of Agriculture under the authority of this section may by regulation establish a system of health certificates and permits for the better protection of the swine and livestock of this State.” This authority to require health certificates is not limited to requiring the permits for “swine and livestock,” but instead requires only that this system of health certificates be “for the better protection of swine and livestock.” Therefore, the Board has authority to require a health certificate or permit on *any* animal entering the state that may pose a risk of infectious disease and threaten the swine and livestock industries. This authority is both well established and critical to protecting both the essential food sources and economic benefits to the State represented by these industries.*

The Board’s authority to promulgate rules to eradicate and prevent animal disease in the State by limiting or restricting the import of animal into the State is well established. This rule addressing the importation of wild animals was adopted in 1984, with subsequent amendments in 1992, 1996, and 1998, as well as approved temporary and permanent amendment in 2002.

G.S. 106-348 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations as may be necessary to control and eradicate tuberculosis.”

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

G.S. 106-361 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations that may hereafter be necessary to complete tick eradication in North Carolina.”

G.S. 106-388 states that “It is hereby declared that the disease of animals known as brucellosis, or Bang's disease, is of an infectious and contagious nature, and animals affected with, or exposed to, or suspected of being carriers of the disease, shall be subject to quarantine and the rules and regulations of the Department of Agriculture and Consumer Services.”

G.S. 106-396 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of G.S. 106-388 to 106-398, and for the effective control and eradication of brucellosis, including the establishment of fees and charges for the collection of blood samples.”

G.S. 106-405.17 states that “The State Board of Agriculture shall have full power to promulgate and enforce such rules and regulations as it deems necessary for the control and eradication of equine infectious anemia.”

Generally, to the Rule: The agency is empowered to establish a system of health certificates and permits for the better protection of the swine and livestock of this State. Accordingly, the agency can set the standards for permit issuance. Explain the agencies authority to prohibit conduct outside the context of permit issuance. The proposed rule deals solely with the conditions necessary for obtaining a health certificate or permit for importation of these animals and is thus within the referenced authority of the Board. However, the Board has broad authority to regulate conduct beyond this permit system in order to control and eradicate animal disease in the State as set forth in the above referenced statutes.

Generally, to the Rule: Explain the agency's authority to regulate wild animals. The Board has broad authority to regulate conduct to control and eradicate animal disease in the State as set forth above.

Notably, G.S. 106-400 further speaks to the State Veterinarian's authority to prohibit animal movement in order to control animal disease with regards to “any animal.” This statute also states this authority is “in accordance with the provisions of the permit,” further supporting the Board's authority to regulate the importation of any animal capable of bringing/spreading disease in the State by requiring the owner to obtain a health certificate.

Generally, to the Rule: What is the permit application process? Is that codified? The “Official Health Certificates: Permits” requirements and process is set forth in 02 NCAC 52B .0202. Throughout Chapter 02, Title 52, Subchapter B, specific animal requirements are set forth with regards to permits.

Page 1, Line 10: In paragraph (a) subparagraph (5), is “bobcat” otherwise ambiguous without the parenthetical? Can a more comprehensive list be made? The use of the word

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

“includes” suggests there are others which are not listed. Would the use of “felines” and “etc.” include household cats? Additionally, in order to create a proper clause, place a comma after felines and add “such as.” Changes completed.

Page 1, Line 16, (b): Shouldn't the sentence beginning “Furthermore...” be its own paragraph? Is the agency any addressing any wild animals listed in (a) or all wild animals? How must the applicant “show” compliance? This language was modified as reflected in the final document so that the applicant no longer has to show NCDA&CS compliance with NCWRC rules to obtain the permit. However, it is still strongly believed that this language is necessary to avoid confusion. While an agency is prohibited from adopting a rule that “repeats the content of a law, a rule, or a federal regulation under G.S. 150B-19(4), “(a) brief statement that informs the public of a requirement imposed by law does not violate this subdivision and satisfies the ‘reasonably necessary’ standard.”

This rule is reasonably necessary because a person could logically believe that because they obtained a permit for the importation of a wild animal from NCDA&CS they had done everything they need to do. This language expressly calls their attention to the fact that there are likely additional requirements with another State agency. NCWRC supports the inclusion of this language. The inclusion of this language is also consistent with the directive of G.S. 150B-19.1(d) stating “(e)ach agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.”

Page 1, Lines 19-32, (c): The paragraph applies to “camelids, bison, and other Bovidae other than domestic cattle, yet the last sentence then states that the requirements of this paragraph shall not apply to camelids. Which is it? This is facially unclear and ambiguous. The requirements of the paragraph do not apply to a camelid if it has an official health certificate AND is from an area that is tuberculosis Accredited-Free and brucellosis Certified-Free.

*Page 1, Lines 35-37: What is an “imported” elephant? Aren't all elephants imported? What is an “official” health certificate? How long must the certificate accompany the elephant? An “imported elephant” is an elephant that is entering the State, meaning one that is not already in the State pursuant to a valid health certificate. An official health certificate and their expiration dates are set forth in 02 NCAC 52B .0202. G.S. 106-348 specifically states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have **full power** to promulgate and enforce such rules and regulations as may be necessary to control and eradicate tuberculosis.”*

Page 1, Line 33, (d): Explain the agency's authority to regulate “any species or hybrid of mammal” which arguably would include humans. The Board has broad authority to regulate conduct to control and eradicate animal disease in the State as set forth above. The term “Veterinary”, by default, excludes humans. No agency or individual

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

would require a certificate of *veterinary* inspection for humans attempting to enter the State.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Agriculture

RULE CITATION: 02 NCAC 52B .0214

DEADLINE FOR RECEIPT: September 9, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: Explain the agency's authority to regulate or issue permits regarding rabbits. Are rabbit's livestock? If so, where is this defined? Rabbits are a defined species definable through well-established taxonomy standards. The main amendment to the rule it to further clarify any ambiguity by indicating that this includes any species in the order of Lagomorpha, including hare and pika. This is a well-defined and understood standard for the regulated public.

The Board has a historically recognized authority to require health certificates for the importation any animal into the State that poses a risk of disease to swine, poultry, or livestock within the State. This authority is not limited to regulating the importation of swine or livestock. G.S. 106-317 states "The North Carolina Board of Agriculture under **the authority of this section may by regulation establish a system of health certificates and permits** for the better protection of the swine and livestock of this State." This authority to require health certificates is not limited to requiring the permits for "swine and livestock," but instead requires only that this system of health certificates be "for the better protection of swine and livestock." Therefore, the Board has authority to require a health certificate or permit on *any* animal entering the state that may pose a risk of infectious disease and threaten the swine and livestock industries. This authority is both well established and critical to protecting both the essential food sources and economic benefits to the State represented by these industries.

The Board's authority to promulgate rules to eradicate and prevent animal disease in the State by limiting or restricting the import of animal into the State is well established. The Board's ability to adopt a rule addressing the importation of rabbits was recently recognized as an emergency rule in July 2021 and as a temporary rule in September 2021.

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

G.S. 106-348 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations as may be necessary to control and eradicate tuberculosis.”

G.S. 106-361 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations that may hereafter be necessary to complete tick eradication in North Carolina.”

G.S. 106-388 states that “It is hereby declared that the disease of animals known as brucellosis, or Bang's disease, is of an infectious and contagious nature, and animals affected with, or exposed to, or suspected of being carriers of the disease, shall be subject to quarantine and the rules and regulations of the Department of Agriculture and Consumer Services.”

G.S. 106-396 states that “The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of G.S. 106-388 to 106-398, and for the effective control and eradication of brucellosis, including the establishment of fees and charges for the collection of blood samples.”

Notably, G.S. 106-400 further speaks to the State Veterinarian’s authority to prohibit animal movement in order to control animal disease with regards to “any animal.” This statute also states this authority is “in accordance with the provisions of the permit,” further supporting the Board’s authority to regulate the importation of any animal capable of bringing/spreading disease in the State by requiring the owner to obtain a health certificate.

G.S. 106-405.17 states that “The State Board of Agriculture shall have full power to promulgate and enforce such rules and regulations as it deems necessary for the control and eradication of equine infectious anemia.”

‘Cuniculture’ is the agricultural practice of breeding and raising domestic lagomorphs as livestock for their meat, fur, or wool. This is similar to the practice of raising Captive Cervid species as separate from their wild counterparts. At NCDA&CS we have historically handled and will continue to handle domesticated lagomorphs for food and fiber in the same way we handle our long-standing Captive Cervid farms; as livestock as fitting with the definition provided in NC G.S. § 68-15. This is a practice that is followed by our neighboring states of GA, SC, and TN who have had positive cases of RHDV2.

a. Chapter 68 Article 3 Livestock Law

§ 68-15. Term "livestock" defined.

The word "livestock" in this Chapter shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine. (Code, s. 2822; Rev., s. 1681; C.S., s. 1841; 1971, c. 741, s. 1; 1997-84, s. 2.)

<https://www.agr.georgia.gov/rabbit-hemorrhagic-disease-virus-update.aspx>

William W. Peaslee
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<https://news.clemson.edu/rabbits-in-greenville-county-diagnosed-with-rabbit-hemorrhagic-disease/>
<https://www.tn.gov/agriculture/news/2022/1/28/rabbit-disease-confirmed-in-tennessee.html>

The term ‘rabbits’ are commonly used to describe all Lagomorphs, although using ‘rabbits’ in this way misleading. There are several varieties of domesticated Lagomorphs. Although the vast majority of these are true rabbits, there are other species such as hares and picas that are left out scientifically unless the term Lagomorph is used. The language change suggested was to clarify the language to be more scientifically accurate and to avoid confusion by the public.

Page 1, Line 7-13, (a)(1) & (2): Detected by whom? How would one check? Or is this based upon actual knowledge of the importer? The requirement is for the importer to determine if the animal(s) they are attempting to bring into the State has originated from an area where the disease has been present or if the animal(s) have come in contact with the disease. Information as to the RHDV-2 detections is readily available on the USDA website or by contact USDA directly and it is a reasonable requirement for the importer to be required to determine if there was potential exposure and thus an import permit is required.

Page 1, Line 14-28, (b): What is an “official” health certificate? Who issues the certificate? Are there any protocols prior to the issuance of the certificate or can one be issued without an examination? If an examination is required, what kind of examination? The “Official Health Certificates: Permits” requirements and process is set forth in 02 NCAC 52B .0202.

NCDA&CS has always identified rabbits as livestock, as they provide the public a source of food and fiber and their populations are subject to infectious diseases that need to be controlled in the state; domesticated rabbits do not fall under any other state agency's regulatory authority. Additionally, domestic rabbits are similarly handled as livestock in other states such as TN, GA, and SC. This is known through these states handling of RHDV-2 when it was identified in those states.

Page 1, Lines 20-26, (c)(1): Why is this language necessary? Also, please note the (i) should be (1). Changes completed.

Page 2, Line 1: (ii) should be (2). Changes completed.

Page 2, Line 2: Consider further definition of “temporary”. “Temporary” is defined within the same sentence of the proposed language as “lasting only until the end of the veterinary service visit, and the animal is brought directly to the veterinary clinic and departs from the veterinary clinic to the originating state with no intervening stops.”

Page 2, Lines 9-10: By “documentation required for importation” does the agency mean any federally required documentation? If so, is there part of the United States Code to which a referral can be made? If not federally required documentation, to what

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

documentation does the agency refer? States do not have the authority to allow animals from other countries into the United States without the USDA first approving the international transportation. USDA paperwork and requirements for testing is different depending on the species and the country of origin. After USDA has approved importation into the USA, then a state may have additional requirements that need to be met.

<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/live-animal-imports>

<https://www.ecfr.gov/current/title-9/chapter-I/subchapter-D/part-93>

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

William W. Peaslee
Commission Counsel

Date submitted to agency: August 31, 0222

1 02 NCAC 52B. 0214 is adopted with changes as published in 36:22 NCR 1775-1776 as follows:

2
3 **02 NCAC 52B .0214 IMPORTATION REQUIREMENTS: RABBITS RABBITS, OR ANY SPECIES IN**
4 **THE ORDER LAGOMORPHA, INCLUDING HARES AND PIKAS**

5 (a) An import permit from the State Veterinarian is required for the importation of a ~~rabbit~~ rabbit, or any species in
6 the order of Lagomorpha, including hare and pika, into the State of North Carolina originating from:

- 7 (1) any country or state with Rabbit Hemorrhagic Disease Virus-2 (“RHDV-2”) detected; or
8 (2) a state or country without RHDV-2 if the ~~rabbit~~ animal makes any intervening stop in a country or
9 state with RHDV-2 detected, if the ~~rabbit~~ animal is commingled or exposed to any other ~~rabbit~~
10 animal in the order of Lagomorpha not being shipped directly from the point of origin together, or
11 if the imported rabbit is exposed to materials such as cages, beddings, and supplies that have been
12 in contact with another ~~rabbit~~ animal in the order of Lagomorpha not shipped directly from the point
13 of origin together.

14 (b) The ~~rabbit~~ import permit application shall be accompanied by an official health certificate certifying the ~~rabbit~~
15 animal to be free from any contagious animal disease, including RHDV-2, as follows:

- 16 (1) If the ~~rabbit~~ animal is shipped directly without any intervening stops, without commingling or
17 exposure to any other ~~rabbit~~ animal in the order of Lagomorpha not being shipped directly from the
18 point of origin together, and without exposure to materials such as cages, beddings, and supplies
19 that have been in contact with another ~~rabbit~~ animal in the order of Lagomorpha not shipped directly
20 from the point of origin together, then the official health certificate shall be obtained within 7 days
21 of the date of importation into North Carolina.
22 (2) If the ~~rabbit~~ animal is shipped with intervening stops, with commingling or exposure to another
23 ~~rabbit~~ animal in the order of Lagomorpha not being shipped directly from the point of origin
24 together, or with exposure to materials such as cages, beddings, and supplies that have been in
25 contact with another ~~rabbit~~ animal in the order of Lagomorpha not shipped directly from the point
26 of origin together, then the official health certificate shall be obtained from the location of the last
27 intervening stop, commingling, or exposure, and within 7 days of the date of importation into North
28 Carolina.

29 (c) No permit is needed ~~for~~ for rabbits, or any species in the order of Lagomorpha, including hare and pika,
30 brought into the State on a temporary basis for the sole purpose of seeking veterinary services by a North Carolina
31 licensed veterinarian, lasting only until the end of the veterinary service visit, and the animal is brought directly to the
32 veterinary clinic and departs from the veterinary clinic to the originating state with no intervening stops.

- 33 (1) direct shipment of a rabbit [rabbit, or any species in the order of Lagomorpha, including hare and
34 pika,] from a country or state without RHDV 2 or if the rabbit [animal] makes intervening stops
35 only in countries or states without RHDV 2, the rabbit [animal] is not commingled or exposed to
36 another rabbit [animal in the order of Lagomorpha] not shipped directly from the point of origin
37 together, and the rabbit [animal] is not exposed to materials such as cages, beddings, and supplies

1 ~~that have been in contact with another rabbit [animal in the order of Lagomorpha] not shipped~~
2 ~~directly from the point of origin together. [together; or]~~
3 ~~(2) rabbits, or any species in the order of Lagomorpha, including hare and pika, brought into the State~~
4 ~~on a temporary basis for the sole purpose of seeking veterinary services by a North Carolina licensed~~
5 ~~veterinarian, lasting only until the end of the veterinary service visit, and the animal is brought~~
6 ~~directly to the veterinary clinic and departs from the veterinary clinic to the originating state with~~
7 ~~no intervening stops.]~~

8 (d) The application for ~~rabbit~~ a importation shall include the state of origin, health certificate inspection date, the
9 owner's name, address, and phone number at the time of import, the import destination within the State of North
10 Carolina, the name, address, and phone number of the person with control and responsibility over the ~~rabbit~~ animal at
11 the import destination, and any federal licensing, permit, and documentation required for the importation of the ~~rabbit~~
12 animal if imported from outside of the United States of America.

13 (e) A ~~rabbit~~ rabbit, or any species in the order of Lagomorpha, including hare and pika, requiring an import permit
14 that is imported into North Carolina shall be accompanied by an official health certificate with the import permit
15 number and shall be made available for inspection by the State Veterinarian or his or her designee upon request.

16 (f) An intervening stop is defined as a stop in a country or state longer than 24 hours but less than 10 days. The
17 location of any stop for longer than 10 days shall be deemed the new country or state of origin.

18 (g) Health certificates issued outside of the United States shall be issued in English and by a veterinarian with a valid
19 license to practice veterinary medicine in the country of export.

20
21 *History Note: Authority G.S. 106-317;*
22 *Eff. December 1, 2022.*

02 NCAC 52B .0212 is amended with changes as published in 36:19 NCR 1522-1533 as follows:

02 NCAC 52B .0212 IMPORTATION REQUIREMENTS: WILD ANIMALS

(a) A person shall obtain a permit from the State Veterinarian before importing any of the following animals into this State:

- (1) Skunk;
- (2) Fox;
- (3) Raccoon;
- (4) Ringtail;
- (5) ~~Bobcat (includes Lynx and other~~ North and South American ~~felines as cougars, jaguars, etc.);~~ felines;
- (6) ~~Coyote;~~
- (7) Marten;
- ~~(8)~~(7) Brushtail Possum (*Trichosurus vulpecula*).

(b) Permits for the importation into this State of any of the animals listed in Paragraph (a) of this Rule shall be issued only if the animal(s) will be used in a research institute, or for exhibition by a USDA licensed exhibitor, or organized entertainment as in zoos or circuses.

~~(c) [Furthermore, permits for the importation of wild animals, as defined in G.S. 113-129, shall be issued only if the applicant shows compliance with applicable North Carolina Wildlife Resources Commission rules in 15A NCAC 10H .1400.] Nothing in the permit requirements for the importation of wild animals, as defined by G.S. 113-129 and as set forth in this Subchapter, shall excuse or exempt the applicant from compliance with applicable North Carolina Wildlife Resource Commission rules in 15A NCAC 10B .0100 or 15A NCAC 10H .1400.~~

~~(e)(d)~~ Camelids, bison, and other bovidae other than domestic cattle may be imported into the State if accompanied by an official health certificate issued by a licensed, accredited veterinarian, as defined in 02 NCAC 52B .0401, which states that:

- (1) all animals six months of age or older have tested negative for brucellosis within 30 days prior to importation; and
- (2) all animals six months of age or older have tested negative for tuberculosis within 60 days prior to importation; and
- (3) the herd of origin has had no brucellosis or tuberculosis diagnosed within the past 12 months.

(e) Additionally, all bison and other bovidae other than domestic cattle may be imported into the State only if officially identified in accordance with 9 CFR 86.1, which shall be incorporated by reference, including any subsequent amendments and editions, and can be obtained free of cost at https://www.ecfr.gov/cgi-bin/text-idx?SID&node=pt9.1.86&rgn=div5#se9.1.86_11. The requirements of this Paragraph shall not apply to camelids, llamas, vicunas, alpacas, and guanacos from other states that are tuberculosis Accredited-Free and brucellosis Certified-Free, when accompanied by an official health certificate.

~~(d)(f)~~ Any species or hybrid of a mammal not otherwise covered in the Administrative Code ~~that is found to exist in the wild or naturally occurs in the wild~~ must be accompanied by a valid certificate of veterinary inspection.

1 ~~(e)~~(g) Imported elephants shall be accompanied by an official health certificate issued by a licensed, accredited
2 ~~veterinarian,~~ veterinarian for the duration of the certificate in North Carolina, as defined in 02 NCAC 52B .0401,
3 which states that “all animals have tested negative for tuberculosis within 365 days prior to importation.”
4

5 *History Note: Authority G.S. 106-317; 106-400;*
6 *Eff. April 1, 1984;*
7 *Amended Eff. July 1, 1998; February 1, 1996; May 1, 1992;*
8 *Temporary Amendment Eff. February 18, 2002;*
9 *Temporary Amendment Expired August 1, 2002 (See Rule .0213);*
10 *Amended Eff. August 1, 2002;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26,*
12 *2017;*
13 *Amended Eff. December 1, 2022.*

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, September 16, 2022 10:34 AM
To: Hayworth, Anna
Cc: Burgos, Alexander N
Subject: Extension letter
Attachments: 09.2022 Agriculture Extension Letter.pdf

Good morning,

Attached please find the notice of extension pursuant to G.S. 150B-21.13 from yesterday's RRC meeting.

As always, if you have any questions please do not hesitate to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Hayworth, Anna
Sent: Friday, September 2, 2022 12:52 PM
To: Peaslee, William W
Cc: Burgos, Alexander N
Subject: RE: Request for Changes 02 NCAC 52B .0212 and .0214

Good afternoon Mr. Peaslee,

We would like to request an extension to allow more time to review and make the technical changes requested for these rules as well, given the short turnaround time.

Thank you, and let me know if you need anything additional from me for the extension requested.

Anna R. Hayworth | Agricultural Programs Specialist
Office of the Assistant Commissioner of Consumer Protection
NC Department of Agriculture and Consumer Services
1002 Mail Service Center | Raleigh, NC 27699
Office: (984) 236-4509 (new office)
Cell: (919) 745-9356
anna.hayworth@ncagr.gov

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, August 31, 2022 11:38 AM
To: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Request for Changes 02 NCAC 52B .0212 and .0214

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the North Carolina Board of Agriculture for the September 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, September 15, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on September 9, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939

Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Wednesday, August 31, 2022 11:38 AM
To: Hayworth, Anna
Cc: Burgos, Alexander N
Subject: Request for Changes 02 NCAC 52B .0212 and .0214
Attachments: 09.2022 Req for Chnages Bd of Ag 02 NCAC 52B .0212 .0214.docx

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