

REGULATORY AGENDA

DEPARTMENT OF AGRICULTURE AND MARKETS

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act, notice is hereby provided of the following rules which the Department of Agriculture and Markets is considering proposing but for which a rulemaking proceeding has not been commenced. All section and Part references are to Title 1 of the New York Code of Rules and Regulations.

DIVISION OF MILK CONTROL AND DAIRY SERVICES

- Parts 2 & 3 Consider amending requirements for the production, processing and distribution of milk and milk products.
- Section 2.8 Consider amending the pasteurized milk and pasteurized cultured product standards to include a zero tolerance standard for pathogenic coliform.
- Part 17 Consider adoption of current federal standards of identity for milk and milk products.
- Parts 19 & 20 Consider repeal of the New York-New Jersey milk marketing regulation because of implementation of a Federal Northeast Milk Marketing Area.
- Part 21 Consider amending the Western New York Milk Marketing Area to correspond with changes under the Federal Northeast Milk Marketing Area.
- Part 24 Consider amending milk dealer licensing procedures to reduce certain reporting requirements for milk dealers and clarifying license classifications of such dealers.
- Parts 40 & 43 Consider amending the Dairy Promotion Order and milk producer security provisions to conform to changes in the federal milk marketing order reform.
- Part 41 Consider amending milk transportation provisions to conform to Agriculture and Markets Law §257-a.
- Part 44 Consider adopting procedures for enforcement of milk price gouging prohibitions in the General Business Law.
Name of agency contact: Will Francis, 10B Airline Dr., Albany, NY 12235, (518) 457-1772

DIVISION OF ANIMAL INDUSTRY

- Part 45 Consider amending the avian influenza control provisions to establish a sanitation, cleaning and disinfection program applicable to live poultry markets and to prohibit the direct movement of live poultry from the farm to a live poultry market to control avian influenza. (Currently, a rule on the subject is in effect on an emergency basis.)
- Part 46 Consider adoption of federal standards (UM & R) for brucellosis in cattle, bison, swine and deer.

- Part 57 Consider repeal of certain requirements relating to the control of Salmonella enteritidis (SE), to take into account new technology and poultry industry participation in a voluntary program intended to minimize the potential for SE contamination of eggs.
- Part 60 Consider adoption of federal standards (UM & R) for tuberculosis testing for cattle, bison, swine, goats, and deer.
- Part 61 Consider adoption of record keeping requirements for swine, cervid, camelid, goat, and sheep dealers and sanitation and record keeping requirements for poultry transporters.
- Part 62 Consider adoption of federal standards (UM & R and 9 CFR) for the interstate movement of sheep, goats, deer and llamas and the intrastate movement of deer.
- Part 62 Consider amending existing Chronic Wasting Disease control provisions, to establish mandatory requirements applicable to captive cervid producers and hunting preserves.
- Section 62.8 Consider adoption of requirements for the importation of deer to prevent the introduction of Chronic Wasting Disease into New York State. (Currently, a rule on the subject is in effect on an emergency basis.)
- Section 64.9 Consider the repeal of provisions which exempt certain horses claimed in a claiming race from EIA testing.
Name of agency contact: Dr. John Huntley, 10B Airline Dr., Albany, NY 12235, (518) 457-3502

DIVISION OF PLANT INDUSTRY

- Section 95.3 Consider changing a reference to the "International Crop Improvement Association" to the organization's current name "Association of Official Seed Certifying Agencies."
- Section 95.5 Consider changing the germination of vegetable seed standards for chives and upland cress, to conform with the Association of American Seed Control Officials Recommended Uniform State Seed Law.
- Sections 96.12 & 96.14 Consider amending certified seed sample sizes to conform with other states' Seed Certification Programs.
- Part 127 Consider amending the Golden Nematode Quarantine areas.
- Part 131 Consider amending the Pine Shoot Beetle quarantine to conform to federal quarantine provisions. (Currently, a rule on the subject is in effect on an emergency basis.)

Part 153 Consider amending provisions governing the sale and analysis of commercial fertilizer to exempt certain compost products under specified conditions.
Name of agency contact: Robert Mungari, 10B Airline Dr., Albany, NY 12235, (518) 457-2087

BUREAU OF WEIGHTS AND MEASURES

Section 220.1 Consider changing the issuing authority for Certificates of Conformance to the National Conference on Weights and Measures under the National Type Evaluation Program and adding formal procedures to withdraw a Certificate of Type Approval.

Section 220.1 Consider granting authority to weights and measures officials to accept certain specified device types without prior approval by the Commissioner, provided the device is inspected for conformity with applicable standards and the official notifies the Commissioner.

Section 220.2 Consider adoption of the 2004 edition of NIST Handbook 44, which contains the specifications and tolerances for commercial weighing devices.

Sections 220.3, 220.4, & 220.12 Consider amending methods for collecting unpaid device testing fees and increasing fees for services.

Part 221 Consider adopting national standards, based on "NIST Handbook 130," for commodity labeling and methods of sale for foods and consumer commodities under the Department's jurisdiction.

Section 221.11 Consider adoption of the 2004 Edition of NIST Handbook 133 relating to procedures for testing packaged commodities.

Section 224.2 Consider adoption of the current version of Section 5 of the Annual Book of Standards, which contains the specifications and test methods for petroleum products established by the American Society for Testing and Materials for petroleum products. (The 1992 edition is now in effect.)

Sections 224.3, & 224.9 Consider amending definitions and tests for octane rating to conform to Federal Trade Commission Rules.
Name of agency contact: Ross Andersen, 10B Airline Dr., Albany, NY 12235, (518) 457-3146

DIVISION OF FOOD SAFETY AND INSPECTION

Part 245 Consider amending sanitation requirements for small animal slaughterhouses.

Part 257 Considering amending requirements for the manufacture and distribution of commercial feed to exempt certain commercial feed manufacturers from facility registration requirements.

Part 260 Consider adoption of federal standards (21 CFR Part 120) relative to the manufacturing of fruit juices.

Part 262 Consider adoption of federal standards (21 CFR Part 123) relative to Fish and Fishery Products.

Part 302 Consider adoption of sanitation requirements for rendering plants.
Name of agency contact: Joseph Corby, 10B Airline Dr., Albany, NY 12235, (518) 457-4492

EXECUTIVE DIVISION

Parts 360 & 365 Consider amending regulations relating to public access to Department records.
Name of agency contact: Jessica Chittenden, 10B Airline Dr., Albany, NY 12235, (518) 457-3136

DIVISION OF AGRICULTURAL PROTECTION AND DEVELOPMENT

Part 206 Consider adoption of a research and development market order for peaches and nectarines.

Part 207 Consider adoption of a research and development market order for sweet cherries.

Part 208 Consider adoption of a research and development market order for tart cherries.

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