

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 Animal Industry

Part 45: Consider amending avian influenza testing requirements to correspond to practices in other states.

Part 46: Consider amending the program for the control and eradication of brucellosis to remove obsolete provisions and adopt updated federal standards.

Part 59: Consider amending the vaccine requirements to define the criteria for use of the rabies vaccine in New York.

Part 61: Consider adopting recordkeeping requirements for swine, cervid, camelid, goat and sheep dealers.

Part 64: Consider amending regulations governing the movement and transfer of horses or other equidae to allow the acceptance of "equine passports" issued by other states.

Part 68: Consider amending the intrastate movement restrictions for captive cervids to provide the owners of herds of Chronic Wasting Disease (CWD) susceptible species with a one-time option to move all of their CWD susceptible animals to a special purpose herd.

Part 69: Consider adopting regulations relating to formation, training, appointing and activating animal response teams, pursuant to Chapter 182 of the Laws of 2008.

Part 77: Consider amending the standards of care for seized dogs to clarify the definition of a dog dealer.

Name of agency contact: Dr. John Huntley

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-3502

Division of Food Safety and Inspection

Part 165: Consider amending regulations regarding the grading of potatoes and the definition of culls.

Part 175: Consider amending regulations regarding the grading of maple products.

Part 192: Consider adopting regulations to implement Chapter 668 of the Laws of 2006, relative to disposal methods for the dumping of sub-standard or below grade agricultural products.

Part 262: Consider adopting regulations regarding fish processing and smoking establishments.

Part 271: Consider amending sanitation requirements for retail food stores to correspond with changes to the 2005 FDA Food Code.

Name of agency contact: Joseph Ferrara

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-4492

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.

Name of agency contact: Will Francis

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-1772

Division of Plant Industry

Section 95.3: Consider amending seed germination testing provisions to conform with Agriculture and Markets Law § 137.

Section 95.9: Consider amending to add seeds of additional weeds and undesirable grasses to the list of noxious weed seeds.

Part 127: Consider amending the Golden Nematode quarantine.

Part 131: Consider amending the Pine Shoot Beetle Quarantine to add Columbia, Orange and Ulster Counties.

Part 139: Consider amending the Asian Long Horned Beetle quarantine area.

Part 141: Consider adopting regulations to establish a European wood wasp quarantine.

Name of Agency Contact: Robert Mungari

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-2087

Bureau of Weights and Measures

Part 220: Consider increasing the maximum fees that municipal directors of weights and measures can charge for inspections and adopting maximum fees for pricing accuracy inspections.

Section 220.2: Consider adopting national standards for the specifications, tolerances and regulations for commercial weighing and measuring devices as published in the 2009 edition of NIST Handbook 44.

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 224.3: Consider adopting standards for alternative fuels produced from biological sources such as biodiesel, blend stock ethanol, and alternative fuels such as E85 and E75.

Name of agency contact: Ross Andersen

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-3146

Executive

Parts 360 & 365: Consider amending regulations governing public access to records of the Department pursuant to the Freedom of Information Law and the Personal Privacy Protection Act.

Name of agency contact: Rebecca Smith

Office Address: 10B Airline Drive, Albany, New York 12235

Telephone number: 518-457-3136

Division of Housing and Community Renewal

Pursuant to Section 202-d of the State Administrative Procedure Act (SAPA), the following Agenda sets forth a list and brief description of the subject matter of regulatory amendments to 9 NYCRR which the Division of Housing and Community Renewal (DHCR) is presently considering proposing during 2009.

The DHCR's regulatory plans are subject to change, and it reserves the right to add to, delete from, or modify items on the Agenda without further notice. SAPA Section 202-d does not preclude the DHCR from proposing a rule for adoption that is not described in this Agenda, nor is the DHCR required to propose any rule for adoption that is described in this Agenda.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in SAPA Section 202-b and 202-bb.

AGENCY CONTACT PERSON:

Information may be obtained, and written comments may be submitted for consideration, by contacting:

Francis De Martini
Office of Legal Affairs
DHCR
25 Beaver Street
New York, New York 10004
(212) 480-7471

Office of Housing Operations
9 NYCRR 1727 OCCUPANCY

Eviction of Tenants for Cause. Clarify the regulation concerning grounds and procedures for eviction of tenants for cause by providing that a housing company may proceed directly in court unless the Commissioner determines that in a particular case or category of case the housing company is required to apply to the Commissioner for a certificate of no objection, permitting a housing company to collect rent while such application is pending, providing for service of a notice to cure and notice of termination, and adding a specific ground for termination following denial of the right to succession.

Occupancy Standards. Conform occupancy standards to DHCR policies and update it to reflect appropriate housing standards.
9 NYCRR 1700-1760

Complete a comprehensive review of the Manual for Housing Companies NYCRR Parts 1700 through 1760 to identify provisions that have become obsolete, require revision, and to identify new areas that need to be created that would benefit the regulated parties or aid DHCR in fulfilling its statutory and regulatory responsibilities.

Office of Rent Administration
9 NYCRR 2504 EVICTIONS

To clarify the standards used to determine a demolition and to update the stipend methodology.
9 NYCRR 2524 EVICTIONS

To clarify the standards used to determine a demolition and to update the stipend methodology.