

RULE REVIEW

Department of Agriculture and Markets

REVIEW OF EXISTING REGULATIONS

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rules which the Department of Agriculture and Markets has reviewed in 2011. Notice that a review of these regulations would be conducted and public comment on that continuation or modification accepted until March 31, 2011 was published in the January 5, 2011 State Register. All section and Part references are to Title 1 of the New York Code of Rules and Regulations.

2001

Section 139.2 Control of the Asian Long Horned Beetle.

Statutory authority: Agriculture and Markets Law Sections 18, 164 and 167, State Administrative Procedure Act Section 202.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to preserve the Asian Long Horned Beetle quarantine in certain areas of Brooklyn, Queens and Manhattan, New York. The quarantine area has been repeatedly expanded in an effort to control the spread of the beetle, most recently in 2003.

Assessment of Public Comment: None Received.

2006

Section 127.2 Golden Nematode Quarantine.

Statutory authority: Agriculture and Markets Law Sections 18, 164, and 167.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to prevent further spread of the golden nematode by extending that quarantine to certain lands currently owned or operated by Martens Farms in the Town of Mentz in Cayuga County and to a field in the Town of Fremont in Steuben County.

Assessment of Public Comment: None Received.

Part 154 Ammonium Nitrate and Regulated Ammonium Nitrate Materials.

Statutory Authority: Agriculture and Markets Law Sections 18(6) and 146-f.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to implement L.2005 ch. 620, which requires the registration of persons and entities in New York State that sell, offer for sale or otherwise make available ammonium nitrate or regulated ammonium nitrate materials. Ammonium nitrate is a common chemical compound used in fertilizer, but which is also an explosive chemical used to make bombs such as those used in the 1993 World Trade Center and 1995 Oklahoma City bombings.

Assessment of Public Comment: None Received.

Part 245 Sanitation and Processing Procedures for Slaughterhouses.

Statutory Authority: Agriculture and Markets Law Sections 16(1), 18(6), and 96-a.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to improve the sanitary conditions and processing procedures of slaughterhouses in order to help ensure the wholesomeness of meat and poultry produced therein.

Assessment of Public Comment: None Received.

