

# 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 53: Consider amending the tuberculosis requirement to require a negative test for cattle imported from other states in order to address the increasing threat of this disease in cattle, and repeal anaplasmosis testing.

Part 57: Consider amending the salmonella enteritidis testing program to conform to federal requirements.

Part 58: Consider amendments to incorporate by reference the USDA cattle tuberculosis program.

Part 59: Consider amending the vaccine requirements to define the criteria for use of the rabies vaccine in New York, and remove restrictions on the use of the equine encephalitis vaccine.

Part 60: Consider amending requirements governing the intrastate movement of deer in light of amendments to health requirements for captive cervids (Part 68).

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

Part 63: Consider amendments to add certain tests for feral and transitional swine.

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 64: Consider amendments to clarify requirements for veterinarians when submitting equine infectious anemia test samples.

Part 68: Consider amending animal health requirements to require tuberculosis surveillance on all captive cervid herds and to provide owners of herds of chronic wasting disease (CWD) susceptible species with a one-time option to move such animals to a special purpose herd.

Part 77: Consider amending the standards of care for seized dogs to clarify the definition of a dog dealer, and to conform the definition of euthanasia to State law.

Part 78: Consider repeal of provisions relating to dog licensing.

Name of agency contact: Dr. David C. Smith

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 185: Consider amending regulations to incorporate USDA standards for grades of apples.

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 245: Consider amending regulations concerning structural and sanitary requirements for slaughterhouses.

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

Part 271: Consider amending sanitation requirements for retail food stores to correspond with changes to the 2009 FDA Food Code.

Part 276: Consider amendments relating to the criteria for establishing a \$900.00 food processing establishment license fee.

Name of agency contact: Stephen D. Stich

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

Telephone number: (518) 457-4492

### DIVISION OF MILK CONTROL AND DAIRY SERVICES

Section 2.8: Consider repealing the standards for sediment in prepasteurized milk and raw milk.

Part 12: Consider repealing this Part which pertains to requirements and methods for testing prepasteurized milk and raw milk for sediment.

Name of agency contact: Casey McCue

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

Telephone number: (518) 457-1772

### DIVISION OF PLANT INDUSTRY

Part 127: Consider amending the Golden Nematode (GN) quarantine to remove the Towns of Byron and Elba in Genesee County from the quarantined area.

Part 127: Consider amending the Golden Nematode (GN) quarantine to remove portions of Livingston and Steuben Counties from the quarantined area.

Part 131: Consider repealing the pine shoot beetle quarantine.

Section 141.2: Consider amending the emerald ash borer quarantine to extend the quarantine to Albany and Orange Counties.

Name of Agency Contact: Kevin King

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 2012 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: Michael Sikula

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

Telephone number: (518) 457-3146

COUNSEL'S OFFICE

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: Rick Arnold, Esq.

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

Telephone number: (518) 457-2449