

# RULE REVIEW

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## 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 following rules, adopted during calendar years 1999, 2004, and 2009 which the Department of Agriculture and Markets intends to review in 2014. Public comment on the continuation or modification of these regulations will be accepted until June 17, 2014. All Section and Part references are to Title 1 of the New York Code of Rules and Regulations.

Rules adopted in 1999:

Part 45

Movement of live poultry requirements to prevent the spread of avian influenza.

Statutory Authority: Agriculture and Markets Law sections 16(1), 18(6), 72, 74 and 75.

The continuation of this regulation is necessary to prevent the spread of avian influenza through live poultry markets in the New York City Metropolitan area by limiting the markets' source of poultry to flocks which are free of disease. This regulation was amended in 2005 to require additional sanitation practices, including cleaning and disinfecting of crates and trucks.

Part 205

Cabbage Research and Development Program.

Statutory Authority: Agriculture and Markets Law sections 16(1), 18(6), 294 and 295.

The continuation of this regulation is necessary to retain the Cabbage Research and Development Program which aids cabbage growers in developing higher quality products to better compete in the market place, combating various storage disorders and developing insect and disease control strategies.

Sections 139.2 and 139.3

Asian Long Horned Beetle Quarantine.

Statutory Authority: Agriculture and Markets Law sections 18, 164 and 167.

The continuation of this regulation is necessary to preserve the Asian Long Horned Beetle quarantine in certain areas of Brooklyn and Amityville, New York. The quarantine area has been repeatedly changed in an effort to control the spread of the beetle, most recently in 2010 and 2012.

Rules adopted in 2004:

Part 271

Food offered for sale in retail stores.

Statutory authority: Agriculture and Markets Law sections 16(1), 18(2), (6) and 214-b.

The continuation of this regulation is necessary to combat outbreaks of food borne illness by addressing five risk factors: improper holding temperature, inadequate cooling, contaminated equipment, unsafe food sources and poor personal hygiene. The regulation incorporates

provisions of the federal food code focusing on five interventions to help prevent food borne illness as follows: time/temperature relationship, employee health, management knowledge, hands as a vehicle of contamination, and consumer education. This rule was amended in 2011 to update incorporations by reference to current Federal regulations.

Parts 350 and 369

Standards for Conduct of Fairs.

Statutory Authority: Agriculture and Markets Law sections 16, 18 and 287.

The continuation of this regulation is necessary to allow local fairs to set the entry fee for exhibits, rather than requesting the Commissioner's permission if the fee exceeds ten percent of the first premium.

Rules adopted in 2009:

Part 96

Certification of Seed.

Statutory Authority: Agriculture and Markets Law sections 141 and 142.

The continuation of this regulation is necessary to maintain appropriate standards and procedures for the certification of seed and define terms to be used when referring to seed produced in accordance with these procedures and that meet these standards. This regulation, developed after consultation with the Dean of the State College of Agriculture and Life Sciences and the President of the State University of New York College of Environmental Science and Forestry, gives full effect to Article 9 of the Agriculture and Markets Law.

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