

# 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 (SAPA), notice is hereby provided of the following rules, adopted during calendar years 2000, 2005, and 2010 which the Department of Agriculture and Markets intends to review in 2015. Public comment on the continuation or modification of these regulations will be accepted until June 19, 2015. All Section and Part references are to Title 1 of the New York Code of Rules and Regulations.

Rules adopted in 2000:

Part 6 Sampling and Testing Milk for Component Content.

Statutory Authority: Agriculture and Markets Law Sections 16, 18, 46-a, 56 and 255.

The continuation of this regulation is necessary to retain the procedure for sampling and testing milk to assure that dairy farmers are accurately paid for milk produced by them.

Part 45 Sanitation Requirements for Poultry Dealers and Poultry Transporters.

Statutory Authority: Agriculture and Markets Law sections 16, 18, and 72.

The continuation of this regulation is necessary to retain an effective avian influenza control program by requiring a poultry transporter holding a valid domestic animal health permit who buys or sells poultry to be sold or offered for sale in a live poultry market, or transports poultry to a live poultry market, to have facilities that can be cleaned and disinfected on a year round basis; to use all-season truck or vehicle wash facilities to clean and disinfect trucks or vehicles between uses on a year round basis; and to compile and maintain records of the dates and times that the crates and the trucks or vehicles were cleaned and disinfected. The regulation also clarifies the requirement that the certificate of veterinary inspection remain with the DAHP holder (i.e. poultry dealer or poultry transporter) and the invoice accompanies the poultry to the live poultry market. The Department's avian influenza control program was further strengthened by additional changes to Section 45.6 adopted on January 12, 2014.

Rules adopted in 2005:

There are no regulations subject to review under SAPA § 207.

Rules adopted in 2010:

Section 139 Firewood (All Hardwood Species), Nursery Stock, Logs, Green Lumber, Stumps, Roots, Branches and Debris.

Statutory authority Agriculture and Markets Law, sections 18, 164 and 167.

The continuation of the portion of this regulation controlling the movement of material from the Katsura tree is necessary to prevent the spread of the Asian Long Horned Beetle to other areas. Control of the Asian Long Horned Beetle is accomplished by the removal of infested host trees and materials and then chipping or burning them. The risk of moving infested nursery stock, logs, green lumber,

firewood, stumps, roots, branches and debris of a half inch or more in diameter poses a serious threat to the hardwood forests and street, yard, park and fruit trees of the State. The quarantine imposed on Staten Island by this rulemaking was lifted on February 12, 2014.

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