

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, except where noted.

DIVISION OF ANIMAL INDUSTRY

Section 45.4: Consider amendments to section 45.4 to include poultry housing requirements for live bird markets, such as adequate cage space, access to food and water, catch pans, and sanitation.

Section 45.6: Consider amendments to section 45.6 to require mandatory depopulation, cleaning, and disinfection of the live poultry markets every 3 months and upon detection of avian influenza virus subtypes that have been designated a risk to animal health or public health by epidemiologic evaluation and risk determination.

Part 50: Consider amendments to regulations pertaining to livestock disinfection procedures and removing obsolete provisions.

Part 57: Consider repealing sections 57.7 through 57.23 pertaining to the salmonella enteritis testing program.

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

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

Part 64: Consider amending sections 64.4, 64.7 and 64.8 to clarify the requirement that veterinarians must have Class 2 United States Department of Agriculture accredited status in order to submit samples for official equine infectious anemia (Coggins) tests.

Part 67: Consider amending importation restrictions on livestock originating in states with vesicular stomatitis virus to make those restrictions consistent with federal requirements.

Part 351: Consider amending sections 351.6 and 351.10 to require official identification in the form of United States Department of Agriculture approved official RFID ear tags for cattle and swine entering all county fairs and the New York State Fair.

Agency contact: Joy Bennett, DVM MPH, DACVPM, Director, Division of Animal Industry

Office Address: 10B Airline Drive, Albany, New York 12235
Telephone Number: (518) 457-3502
E-Mail Address: Joy.Bennett@agriculture.ny.gov

DIVISION OF FOOD SAFETY AND INSPECTION

Parts 250, 252, 259: Consider amending to incorporate by reference the most recent Federal regulations.

Sections 261.8, 261.9, 262.1, 265.1, 266.1, 267.1: Consider amending to incorporate by reference the most recent Federal regulations.

Part 271: Consider incorporating portions of the most recent version of the Food Code with its amendments.

Parts 277, 279, 280 and 281: Consider amending to incorporate by reference the most recent Federal regulations.

Part 283: Consider amending to incorporate by reference 21 CFR Part 507 - Current Good Manufacturing Practices, Hazard Analysis, and Risk Based Controls for Food for Animals.

Agency contact: Dan McCarthy, Acting Director, Division of Food Safety and Inspection
Office Address: 10B Airline Drive, Albany, New York 12235
Telephone Number: (518) 457-4492
E-Mail Address: Dan.McCarthy@agriculture.ny.gov

DIVISION OF MILK CONTROL AND DAIRY SERVICES

Part 2: Consider amendments in order to regulate camel's milk.

Part 2: Consider the inclusion of section 1R from the Pasteurized Milk Ordinance on Abnormal Milk in the Sanitation Requirements For Dairy Farms (Currently Section 2.9).

Section 2.8: Consider amendments to make changes relative to the somatic cell count for pre-pasteurized milk from sheep and goats.

Section 2.8: Consider amendments to establish quality standards for raw milk cheeses.

Agency contact: Casey McCue, Director, Division of Milk Control and Dairy Services
Office Address: 10B Airline Drive, Albany, New York 12235
Telephone Number: (518) 457-1772
E-Mail Address: Casey.McCue@agriculture.ny.gov

DIVISION OF PLANT INDUSTRY

Part 95: Consider updating list of noxious weeds consistent with other states and the Federal noxious weed list.

Parts 106 and 107: Consider updating seed potato certification standards for foundation and certified classes to reflect advances in plant disease testing and to set standards and tolerances for a group of bacterial pathogens known by the common name "blackleg."

Part 127: Consider amendments to release additional areas from the golden nematode quarantine.

Part 130: Consider repeal of the Scleroderris canker quarantine.

Part 140: Consider amendments to release the remaining Plum Pox Virus Regulated Areas in the Hudson Valley Region.

Part 142: Consider amendments to the Spotted Lanternfly exterior quarantine to reflect the most recent survey data and implement an interior quarantine to limit the human assisted spread of spotted lanternfly within the borders of New York State.

Agency Contact: Christopher Logue, Director, Division of Plant Industry
Office Address: 10B Airline Drive, Albany, New York 12235
Telephone Number: (518) 457-2087
E-Mail Address: Christopher.Logue@agriculture.ny.gov

BUREAU OF WEIGHTS AND MEASURES

Section 220.1: Consider removing the requirement for commercial devices to have NYS approval and only use approval through the National Conference on Weights and Measures (NCWM). Also consider removing the associated \$100 fee paid by private industry in section 220.12(a)(2).

Section 220.3: Consider the adoption of the 2023 NIST Handbook 44.

Section 220.3: Consider clarifying current regulation that municipal W&M offices may charge an additional fee if security seals are removed by the owner or a representative of the owner.

Sections 220.3 and 220.4: Consider raising the fees for testing performed by the Department.

Section 220.5: Consider removing terminal rack meters from the list of devices which municipal weights and measures officials are mandated to test.

Section 220.5: Consider allowing the Federal Milk Market Administrator to perform calibrations of milk holding tanks independently, without the involvement of local W&M offices.

Section 220.5: Consider amendments to remove timing devices from the list of devices which municipal weights and measures officials are mandated to test.

Part 221: Consider creating a method-of-sale regulation for electric vehicle (EV) charging stations.

Part 224: Consider the removal of the requirement for posting the cetane rating, to recognize a legislative amendment to Agriculture and Markets Law Article 16, section 192-c.

Part 225: Consider adopting regulations to implement Agriculture and Markets Law section 192-h, relating to the installation of generators at service stations in the downstate area.

Agency contact: James Willis, Director, Bureau of Weights and Measures
Office Address: 10B Airline Drive, Albany, New York 12235
Telephone Number: (518) 457-3146
E-Mail Address: James.Willis@agriculture.ny.gov

DESIGNATED AGENCY REPRESENTATIVE: Nicole Persaud, Senior Attorney
Office Address: 10B Airline Drive, Albany, New York 12235
Telephone number: (518) 457-1059
E-Mail Address: Nicole.Persaud@agriculture.ny.gov