

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

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 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 64: Consider amending sections 64.5 and 64.9 to remove the slaughter channel option for horses and other equidae and to enhance traceability for equidae at livestock markets, sales, and auctions.

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.

Part 45: Consider amending 45.1 and 45.6 to reduce the number of days required for avian influenza testing prior to poultry entering the live bird marketing system and to require enhanced biosecurity measures for live bird market source flocks.

Contact: Joy Bennett, DVM MPH, DACVPM, Director, Division of Animal Industry, 10B Airline Drive, Albany, New York 12235, (518) 457-3502, DAI@agriculture.ny.gov.

DIVISION OF FOOD SAFETY AND INSPECTION

Part 245 (Slaughterhouses): Consider amending procedures for cleaning / sanitizing, chilling tanks, and cleaning of transport crates, and addressing vacuum packing.

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

Sections 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.

Section 276.4: Consider an exemption for the processing of certain tree syrups from Article 20-C licensing requirements.

Section 276.4: Consider amending Home Processor Exemption regulations.

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

Contact: Dan McCarthy, Director, Division of Food Safety and Inspection, 10B Airline Drive, Albany, New York 12235, (518) 457-4492, FSIWebInquiries@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 2.15: Consider amending water supply bacteriological requirements to align with current requirements in the Pasteurized Milk Ordinance.

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.

Contact: Casey McCue, Director, Division of Milk Control and Dairy Services, 10B Airline Drive, Albany, New York 12235, (518) 457-1772, MCDS@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 based upon 2024 survey data.

Part 128: Consider the addition of Livingston County in its entirety due to the discovery of a population of European Cherry Fruit Fly during routine survey during the 2025 season.

Part 139: Consider reducing the ALB quarantine in Central Long Island by 7.1 square miles based on most recent survey data and updated risk analysis of these areas.

Part 142: Consider amendments or the repeal of the Spotted Lanternfly exterior quarantine to reflect the most recent survey data and effectiveness of future regulatory efforts.

Contact: Christopher Logue, Director, Division of Plant Industry, 10B Airline Drive, Albany, New York 12235, (518) 457-2087, Plants@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 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.

Section 220.3: Consider raising the fees for inspections performed by municipal W&M offices.

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

Part 221: Consider creating a method-of-sale regulation for e-commerce transactions.

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.

Contact: James Willis, Director, Bureau of Weights and Measures, 10B Airline Drive, Albany, New York 12235, (518) 457-3146, AGMWeigh@agriculture.ny.gov.

Designated Agency Representative: Kevin McGarry, Senior Attorney, 10B Airline Drive, Albany, New York 12235, (518) 457-6468, Kevin.McGarry@agriculture.ny.gov.