

G.S. 150B-21.3A Report for 02 NCAC 52J, ANIMAL WELFARE SECTION

Agency - Department of Agriculture and Consumer Services

Comment Period - 4/2/2018 - 6/4/2018

Date Submitted to APO - January 22, 2019

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - RECORD KEEPING AND LICENSING	02 NCAC 52J .0101	RECORDS; ANIMAL SHELTERS, ETC.	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0102	RECORDS; BOARDING KENNELS	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0103	INSPECTION OF RECORDS	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0104	DEFINITIONS	Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0200 - FACILITIES AND OPERATING STANDARDS	02 NCAC 52J .0201	GENERAL	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0202	INDOOR FACILITIES	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0203	OUTDOOR FACILITIES	Amended Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0204	PRIMARY ENCLOSURES	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0205	FEEDING	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0206	WATERING	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0207	SANITATION	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0208	EMPLOYEES	Eff. April 1, 1984	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0209	CLASSIFICATION AND SEPARATION	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0210	VETERINARY CARE	Amended Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0300 - TRANSPORTATION STANDARDS	02 NCAC 52J .0301	VEHICLES	Eff. April 1, 1984	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0302	PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS	Amended Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0303	FOOD AND WATER REQUIREMENTS	Eff. April 1, 1984	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0304	CARE IN TRANSIT	Eff. April 1, 1984	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0400 - EUTHANASIA STANDARDS	02 NCAC 52J .0401	ADOPTION BY REFERENCE	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0402	AUTHORIZED PERSONS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0403	DEFINITIONS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0404	CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0405	CERTIFICATION STANDARDS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0406	APPLICATION REQUIREMENTS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0407	TRAINING AND EXAMINATIONS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt

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		02 NCAC 52J .0408	TRAINERS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0409	PROBATIONARY EUTHANASIA TECHNICIANS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0410	EXAM REQUIRED	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0411	NEW APPLICATION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0412	ISSUANCE OF CERTIFICATION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0413	LENGTH OF CERTIFICATION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0414	TERMINATION OF EMPLOYMENT	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0415	NOTICE OF TERMINATION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0416	RECERTIFICATION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0417	CERTIFICATION RENEWAL	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0418	DUTIES	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0419	GROUND FOR DISCIPLINE - CERTIFIED EUTHANASIA TECHNICIANS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0500 - EUTHANASIA BY INJECTION	02 NCAC 52J .0501	INTRACARDIAC INJECTION	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0600 - EUTHANASIA BY CARBON MONOXIDE	02 NCAC 52J .0601	CARBON MONOXIDE EQUIPMENT	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0602	PROHIBITED USES	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0603	DEAD ANIMALS	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0604	INDIVIDUAL SEPARATION	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0605	CHAMBER REQUIREMENTS	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0606	INSPECTIONS AND RECORDS	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0607	CLEANING CHAMBER	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0608	OPERATIONAL GUIDES AND INSTRUCTION MANUALS	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		02 NCAC 52J .0609	PERSONS REQUIRED TO BE PRESENT	Eff. March 23, 2009	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES	02 NCAC 52J .0701	METHODS OF EUTHANASIA PERMITTED UNDER EXTRAORDINARY CIRCUMSTANCES AND SITUATIONS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0702	GUNSHOT OR OTHER METHODS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt

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		02 NCAC 52J .0703	METHODS AND STANDARDS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0704	TECHNICIAN NOT REQUIRED	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0705	REPORTS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0800 – POLICY AND PROCEDURE MANUAL	02 NCAC 52J .0801	MANUAL REQUIRED	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0802	CONTENTS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0803	ADDITIONAL CONTENTS	Eff. March 23, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0900 – ANIMAL SHELTER SUPPORT FUND	02 NCAC 52J .0901	ELIGIBLE EXPENSES	Eff. November 1, 2017	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 52J .0902	APPLICATION GUIDELINES	Eff. November 1, 2017	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt

Waggett, Christina

From: Jessica Arias <JArias@burlingtonnc.gov>
Sent: Tuesday, May 29, 2018 2:23 PM
To: Rules Review
Cc: Norris, Patricia; Reardon, Joe W; Meckes, Doug; Troxler, Steve; Fisher, Joshua; Brad Gates; Knicely, Melissa D. (mknicely@cmpd.org)
Subject: [External] Periodic Review of 02 NCAC 52J Animal Welfare Section
Importance: High

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to

Chrissy Waggett
Rule-making Coordinator
1001 Mail Service Center
Raleigh, NC 27699

Dear Ms. Waggett:

I am writing on behalf of the North Carolina Animal Federation (NCAF), an organization that consists of over 50 professional animal welfare organizations across the state, in an effort to bring forth items our membership would like taken into consideration during the upcoming rules and regulations review.

In light of the Animal Welfare Administrative Code rules and regulations review being conducted by the North Carolina Department of Agriculture & Consumer Services (NCDA&CS) NCAF has gathered information from our membership agencies as well as others across the state regarding revisions we would like to bring forward for consideration. It is my hope that these revisions will be met with an open mind and taken into strong consideration during the rules review process given the nature of the expertise from which they have come.

Below you will find a list of these items for consideration prioritized with the items mentioned most frequently first:

1. Require rescue groups and shelters to report their intake/outcome statistics to NCDA&CS Animal Welfare Section and make this data publically available.
2. Require rescues to be licensed and follow the same rules as shelters (adding a definition for rescue as any group adopting animals to the public).
3. Make requirements for transporting animals extend to all agencies that transport animals to shelters or rescue organizations.
4. Separation of rules that apply to boarding kennels vs. shelters and rescues.
5. Ensure consistency within how rules are enforced among inspectors, agencies, and inspected organizations.
6. CET training and resources: create an online re-certification process; standardize course materials; minimal number of regional courses provided by the NCDA&CS.
7. Ensure administrative code is consistent with the Association of Shelter Veterinarians (ASV) Guidelines.
8. Ensure rules for housing, exercise yards, etc. do not impede the behavioral health and growth of the animals in shelters/rescues care.

9. Update the rules to better address communal housing in animal shelters.

Please feel free to reach out to me with any questions you may have regarding clarification on the above items. I look forward to your response.

Sincerely,

Jessica Arias

Animal Services Director | City of Burlington, NC

2018 Board Chair | North Carolina Animal Federation

(o) 336.578.0343 ext. 103 | (m) 919.904.0671



Please note that any and all correspondence to or from this email address is subject to North Carolina Public Records Law and may be disclosed to third parties.

Waggett, Christina

From: Norris, Patricia
Sent: Tuesday, June 05, 2018 8:04 AM
To: Waggett, Christina; Jessica Arias; Rules Review
Cc: Reardon, Joe W; Meckes, Doug; Troxler, Steve; Fisher, Joshua; Brad Gates; Knicely, Melissa D. (mknicely@cmpd.org)
Subject: RE: [External] Periodic Review of 02 NCAC 52J Animal Welfare Section

Ms. Arias

Thank you for relaying the comments and concerns from NCAF relating to the review of the rules associated with the N.C. Animal Welfare Act. It is obvious that the organization has put time and resources into this response.

We will take into consideration NCAF's comments and concerns as we work through the review process for these rules.

Thank you again for your input.

Sincerely,

Patricia Norris, DVM, MS
Director Animal Welfare Section of the
Veterinary Division of the
N.C. Department of Agriculture & Consumer Services

From: Waggett, Christina
Sent: Tuesday, May 29, 2018 2:54 PM
To: Jessica Arias <JArias@burlingtonnc.gov>; Rules Review <RulesReview@ncagr.gov>
Cc: Norris, Patricia <Patricia.Norris@ncagr.gov>; Reardon, Joe W <joe.reardon@ncagr.gov>; Meckes, Doug <Doug.Meckes@ncagr.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Fisher, Joshua <jfisher@cmpd.org>; Brad Gates <brad.gates@co.iredell.nc.us>; Knicely, Melissa D. (mknicely@cmpd.org) <mknicely@cmpd.org>
Subject: RE: [External] Periodic Review of 02 NCAC 52J Animal Welfare Section

Ms. Arias,

Thank you for your comments on the Animal Welfare Section rules found in 02 NCAC 52J. Please take this as confirmation that they have been received.

These rules are currently in the middle of the Periodic Review and Expiration of Existing Rules process created by S.L. 2013-413. The comment period for this rule report will close on June 4th. For more information about this process, please visit the North Carolina Office of Administrative Hearings, <http://www.ncoah.com/rules/H74PeriodicReviewandExpirationofRules.html>.

If you have any questions about this review, please feel free to reach out.

Thanks,
Chrissy