



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: The Board of Agriculture
2. Rule citation & name: 02 NCAC 52B .0214, IMPORTATION REQUIREMENTS: RABBITS
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input checked="" type="checkbox"/> Yes Effective date: July 13, 2021 <input type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 30, 2021 b. Proposed Temporary Rule published on the OAH website: July 8, 2021 c. Public Hearing date: July 16, 2021 d. Comment Period: July 8, 2021 to July 29, 2021 e. Notice pursuant to G.S. 150B-21.1(a3)(2): July 9, 2021 f. Adoption by agency on: September 2, 2021 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: Preventing the introduction and mitigating of a contagious animal disease.
Explain: This rule is necessary for preventing the introduction and mitigation of Rabbit Hemorrhagic Disease Virus – 2 (“RHDV – 2”). RHDV-2 is a highly contagious and always fatal disease for both domesticated and wild rabbits. Many times, the only signs of the disease are sudden death and blood-stained noses caused by internal bleeding. Infected rabbits may also develop a fever, be hesitant to eat, or show respiratory or nervous signs. RHDV-2 is a foreign animal disease and has spread to multiple states, including the Southwest, West, Midwest, and Florida. Cases were also detected in New York City, and more recently, Georgia. Currently, there are no import restrictions or any monitoring requirements for the importation of rabbits into North Carolina. This rule will establish permitting and health certificate requirements for rabbits that are imported from RHDV-2 detected countries and states so that the Veterinary Division may monitor the imported rabbits for RHDV-2.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Adherence to notice and hearing requirements is contrary to the public interest because the goal is to prevent the introduction of RHDV-2 into the State. The emergency rule regarding the import of rabbits is set to expire without this temporary rule. Without this rule, there would be no monitoring of the disease and rabbits imported into the State. This rule establishes basic monitoring for imported rabbits, by requiring health certificates to show rabbits being imported do not have RHDV-2 or contagious animal diseases, and a permit requirement so that the State can keep track of rabbit imported in case of a disease outbreak and disease traceability is required. Due to the contagious and fatal nature of the disease, and its ability to effect both domestic and wild rabbits, the negative impact of RHDV-2 if introduced into the State would be detrimental. Therefore, the delay in complying with the normal notice and hearing requirements should be waived and the State be allowed to pursue temporary rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Anna Hayworth

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10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Anna R. Hayworth

Title: Agricultural Programs Specialist

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RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 52B .0214

DEADLINE FOR RECEIPT: Tuesday, September 13, 2021, 3pm

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a) and (b), please change "i" and "ii" to (1) and (2).

In (b), please provide some sort of introductory language to (b)(1) and (2). Perhaps something like "... including RHDV-2 as follows:"

Please note that I agree that the Board has authority for this Rule pursuant to G.S. 106-317, but why is G.S. 106-400 included at this point in the rulemaking process?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: September 13, 2021

1 02 NCAC 52B. 0214 is adopted with changes under temporary procedures as follows:

2
3 **02 NCAC 52B .0214 IMPORTATION REQUIREMENTS: RABBITS**

4 (a) An import permit from the State Veterinarian is required for the importation of a rabbit into the State of North
5 Carolina originating from:

- 6 (i) any country or state with Rabbit Hemorrhagic Disease Virus-2 (“RHDV-2”) detected; or
7 (ii) a state or country without RHDV-2 if the rabbit makes any intervening stop in a country or state
8 with RHDV-2 detected, if the rabbit is commingled or exposed to any other rabbit not being shipped
9 directly from the point of origin together, or if the imported rabbit is exposed to materials such as
10 cages, beddings, and supplies that have been in contact with another rabbit not shipped directly from
11 the point of origin together.

12 (b) The rabbit import permit application shall be accompanied by an official health certificate certifying the rabbit to
13 be free from any contagious animal disease, including RHDV-2.

- 14 (i) If the rabbit is shipped directly without any intervening stops, without commingling or exposure to
15 any other rabbit not being shipped directly from the point of origin together, and without exposure
16 to materials such as cages, beddings, and supplies that have been in contact with another rabbit not
17 shipped directly from the point of origin together, then the official health certificate shall be obtained
18 within 7 days of the date of importation into North Carolina.

- 19 (ii) If the rabbit is shipped with intervening stops, with commingling or exposure to another rabbit not
20 being shipped directly from the point of origin together, or with exposure to materials such as cages,
21 beddings, and supplies that have been in contact with another rabbit not shipped directly from the
22 point of origin together, then the official health certificate shall be obtained from the location of the
23 last intervening stop, commingling, or exposure, and within 7 days of the date of importation into
24 North Carolina.

25 (c) No permit is needed for direct shipment of a rabbit from a country or state without RHDV-2 or if the rabbit makes
26 intervening stops only in countries or states without RHDV-2, the rabbit is not commingled or exposed to another
27 rabbit not shipped directly from the point of origin together, and the rabbit is not exposed to materials such as cages,
28 beddings, and supplies that have been in contact with another rabbit not shipped directly from the point of origin
29 together.

30 (d) The application for rabbit importation shall include the state of origin, [the arrival date,] health certificate
31 inspection date, the owner’s name, address, and phone number at the time of import, the import destination within the
32 State of North Carolina, [a contact person and phone number at that location,] the name, address, and phone number
33 of the person with control and responsibility over the rabbit at the import destination, and any federal licensing, permit,
34 and documentation required for the importation of the rabbit if imported from outside of the United States of America.

35 (e) A rabbit requiring an import permit that is imported into North Carolina shall be accompanied by an official health
36 certificate with the import permit number and shall be made available for inspection by the State Veterinarian or his
37 or her designee upon request.

1 (f) An intervening stop is defined as a stop in a country or state longer than 24 hours but less than 10 days. The
2 location of any stop for longer than 10 days shall be deemed the new country or state of origin.

3 (g) Health certificates issued outside of the United States shall be issued in English and by a veterinarian with a valid
4 license to practice veterinary medicine in the country of export.

5

6 History Note: Authority G.S. 106-317; 106-400.