

# CHAPTER 27

## Clemson University

(Statutory Authority: 1976 Code §§ 46-9-40; 46-13-30; 46-13-55)

### ARTICLE 1 BEE REGULATIONS

(Statutory Authority: 1976 Code § 26-37-20)

#### **27-1. Definitions.**

A. "Area" means apiary, beeyard, colony, organized or otherwise, or any other place where bees are found to colonize.

B. "Commission" means S. C. State Crop Pest Commission, as designated by the Board of Trustees of Clemson University or any other officers, employees, or designees thereof to whom authority has been given by such commission.

C. "Director" means Director of Regulatory and Public Service Programs, Clemson University.

D. "Disease" means any contagious and infectious disease, including but not limited to American Foulbrood, European Foulbrood, Isle of Wight disease, and/or any pests and parasites including, but not limited to Varroa mite, Tracheal mite, Africanized bee, etc.

E. "Division" means Division of Regulatory and Public Service Programs, Clemson University, and any other of its employees, agents and officials.

F. "Fixtures" means all new/used equipment, products, or by-products used in beekeeping including, but not limited to, honey, hives, combs, supers, frames, etc. and other appliances.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-2. Quarantine Imposed on Areas Where Disease Exists.**

A. A quarantine is hereby placed by the Commission on all areas where disease of bees is known to exist. Also, hereafter such a quarantine shall become effective in all areas where any disease is discovered.

B. The removal of any and all bees and fixtures from such quarantined areas is hereby prohibited until such time as the Commission declares that the disease is eradicated. Provided that the Commission may issue permits for the movement of bees and/or fixtures, before such a declaration, when in the judgment of Commission, such movements will decrease the danger that other bees and fixtures will become diseased, or which will in other ways result in increased protection of the beekeeping interests of the State.

C. The movement of bees and fixtures from areas under quarantine is prohibited, even when permitted as above, until such bees and fixtures are first treated in a manner prescribed and approved by the Commission.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-3. Prohibition Against Exposure of Bees and Fixtures to Infected Areas.**

The exposure of diseased and/or quarantined bees or fixtures to any other bees and fixtures, diseased or not, is prohibited.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-4. Restrictions on Transactions Involving Queen Bees and Attendants.**

The sale, bartering or shipment of queen bees and their attendant bees within this State is prohibited, except when accompanied by a current certificate or copy thereof from the Commission, issued within 60 days of shipment certifying that the bees and the area from which such queen bees are shipped are free from disease, and that the honey used in making the candy employed in the mailing cages, has been diluted and properly boiled in tightly closed vessels.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-5. Restrictions on Shipments of Honey from Apiary Infected with American Foulbrood.**

A. The shipment, transportation or movement of honey from an area infected with American Foulbrood or which is under quarantine for this disease, except when such honey is contained in new tin honey cans, free from leaks and free from all traces of honey on the outside and securely crated, is hereby forbidden. All such shipments must be accompanied by a certificate stating that the honey originated in an area infected with American Foulbrood, and that it cannot be sold or used for feeding bees within the State of South Carolina.

B. The gift, sale or offer for sale within the State of South Carolina of honey products in any area which is infected with American Foulbrood or which is under quarantine by the South Carolina State Crop Pest Commission for sale is hereby prohibited.

C. This regulation does not dilute or change the effect of Section 27-2 Quarantines for any fixtures except "honey". This regulation controls for the purpose of shipping honey when infected by American Foulbrood or which comes from an area quarantined for same.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-6. Centers of Infected and Dangerous Zones.**

Any area in the State in which bees are found to be infected with any disease is declared to be the center of an infected and dangerous zone. Such zone shall extend for two miles in every direction from the center, and all bees and fixtures within this zone are declared to be exposed to the disease. The movement of bees into or within such zone and the removal therefrom of bees and fixtures, is prohibited except as authorized by the Commission or unless a current certificate (60 days), issued by the Commission, indicates they are apparently free from disease. Primitive box or other types of hives which do not allow the ready removal of all frames and combs for the purpose of inspection are prohibited within these zones.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-7. Application for Inspection for Permit to Transport.**

All persons, firms or corporations desiring to have their bees or fixtures inspected in order to obtain transportation permits shall make application, whenever possible, before April 1 of each year.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

#### **27-8. Issuance of Permit to Locate Bees and Fixtures.**

Entry Permits required by 46-37-10 will be issued when the following conditions are met.

A. The State Entomologist receives a certificate from the official apiary inspector of the state of origin certifying:

(1) that the apiaries of the shipper have been inspected within 60 days of the date of shipment; and

(2) that no American or European Foulbrood or other diseases have been found in the apiaries of the supplier; and

(3) that the Varroa mite (*Varroa jacobsoni*), tracheal mite Africanized bee or any other parasites of bees deemed harmful by the State Entomologist do not exist on such shipment.

B. A satisfactory description of the final destination and location of bees and fixtures is furnished by the supplier so that the State Entomologist or any of his agents can easily locate them.

C. Entry Permits will not be granted for movement of bees or fixtures into South Carolina from any state which refuses entrance of bees or fixtures from the State of South Carolina.

**HISTORY:** Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991.

## ARTICLE 2

### WHITE PINE BLISTER RUST—CONTROL

#### **27-10. Five-leafed Pines.**

When the South Carolina State Crop Pest Commission shall determine that there are five-leafed pines now growing in any area in the State, or that such pines are to be grown by a nursery or are to be planted for reforestation purposes in such area, and further that such pines should be protected against the white pine blister rust, the South Carolina State Crop Pest Commission is authorized to designate such area as a "Blister Rust-Control Area" and then prescribe its boundaries.

#### **27-11. Currant and Gooseberry Plants.**

(1) All wild and cultivated currant and gooseberry plants growing in any Blister Rust-Control Area are hereby declared to constitute a public nuisance, and the South Carolina State Crop Pest Commission or its agents are authorized to destroy such plants wherever found.

(2) In the case of cultivated currant and gooseberry plants (other than those growing on apparently abandoned or unoccupied premises) the owner of the plants shall be notified by an agent of the South Carolina State Crop Pest Commission at least ten days in advance of the date on which such plants are to be destroyed, and the owner shall have the right of appeal from the agent direct to the South Carolina State Crop Pest Commission.

(3) No person, firm, or corporation shall knowingly plant any currant or gooseberry plants of any kind or variety within any such Blister Rust Control Area unless a special permit shall have been issued therefor by the South Carolina State Crop Pest Commission nor shall any person, firm or corporation transport such plants into such area from any other part of the State without such a special permit.

#### **27-12. Destroying Pines.**

In order to suppress any centers of blister-rust infection, the South Carolina State Crop Pest Commission or its agents are authorized to destroy five-leafed pine trees either (a) when the trees are found infected with blister rust, or (b) when the cultivated currant and gooseberry plants in the vicinity are of more value than the five-leafed pines, or (c) when the cost of removal of the wild and cultivated currant and gooseberry plants within an infective distance thereof would be greater than the value of the white pine trees involved.

#### **27-13. Movement of White Pines.**

White pines that meet the requirements of nursery inspection regulations and show no visible sign of blister-rust infection are allowed free movement.

#### **27-14. Pines or Currant or Gooseberry Plants Subject to Seizure.**

Any pines or currant or gooseberry plants found to be moving or to have moved within this State in violation of these regulations or into this State in violation of regulations issued by the Secretary of Agriculture of the United States Department of Agriculture under the authority of the plant quarantine act of 1912, shall be subject to seizure, destruction or such other disposition as shall be determined by the South Carolina State Crop Pest Commission.

#### **27-15. Penalties.**

Any person, firm or corporation found guilty of violating the provisions of this quarantine shall be deemed guilty of a misdemeanor and upon conviction shall be punished by law as provided by the Crop Pest Commission Act of 1912.

**ARTICLE 3**  
**TOMATO PLANTS—SHIPMENT CONTROL**

**27–20. [Inspection and Approval of Tomato Transplants.]**

All tomato transplants moved into South Carolina must be inspected periodically and approved as being reasonably free from injurious insects, nematodes, and plant diseases, except that no tolerance shall be allowed for late blight (*Phytophthora infestans*). Other diseases may be placed into the zero tolerance category by supplemental regulations at a later date and will be so indicated by a supplemental list. The final inspection shall be made not more than three (3) days prior to pulling.

**27–21. [Inspection Certificate for Imported Tomato Plants.]**

All tomato plants shipped into South Carolina must have attached to each container a valid inspection certificate issued by the state of origin. Each load must have a master certificate giving the total number of containers, the point of origin, consignor and consignee.

**27–22. [Spraying or Dusting with Approved Fungicide.]**

Certified tomato plants must be sprayed or dusted with an approved fungicide starting when the first true leaves appear, and from 5 to 7 days thereafter and a pre-pulling application made from 2 to 3 days prior to pulling.

**27–23. [Confiscation.]**

All tomato plants not bearing valid certificates of inspection and certification shall be confiscated upon interception.

**27–24. [Violations.]**

Any person or firm who shall violate these regulations shall be deemed guilty of a misdemeanor and upon conviction will be punished by law as provided by the Crop Pest Commission Act of 1912.

**ARTICLE 4**  
**TOBACCO PLANTS—SHIPMENT CONTROL**

(Statutory Authority: 1976 Code §§ 46–9–40, 46–9–50 and 46–9–60)

**27–30. Tobacco Plant Certification.**

A. Definitions

The following definitions will apply to this Section and shall be construed respectively to mean:

- (1) Commission: The State Crop Pest Commission;
- (2) Department: The Department of Plant Industry (DPI);
- (3) Director: The Director, Regulatory and Public Service Programs, Clemson University;
- (4) Infestation or Infected Plant: The presence of any plant pest which is regarded as injurious;
- (5) Certifying Agency: An officially recognized inspecting or certifying agency whose standards have been determined by the Director to conform to the standards contained in this Section;
- (6) Certified Tobacco Plants for Transplanting: Plants which have been tagged or labeled so as to indicate that such plants have been grown under the certification procedures of the certifying agency;
- (7) Certificate of Inspection: An official tag or label of the officially recognized or certifying agency indicating that the plants have been inspected by an authorized agent of such agency and found to conform to the appropriate standards as established by law and these regulations;
- (8) Standards: As applied to tobacco plants, standards shall include freedom from injurious insects, diseases, nematodes, and other pests or the damage caused by same;

(9) Scientific Permit: A document issued by the Director, or his designee, to allow the movement of tobacco plants, not otherwise eligible for entry, for experimental or scientific purposes;

(10) Inspector: Any authorized employee or agent of the State Crop Pest Commission or any other person authorized by the Director to enforce the provisions of these regulations.

#### B. Unlawful Use or Distribution of Plants

(1) No person, firm, company, partnership or corporation shall pack, transport, sell or offer for sale, ship or bring into or plant in this state any tobacco plants produced out of state unless such plants are certified tobacco plants;

(2) Only certified tobacco plants shall be sold or offered for sale in South Carolina.

#### C. Infested Plants

Any tobacco plants in South Carolina, whether or not accompanied by a certificate of inspection, found infested with or damaged by injurious pests, are infested plants and are hereby declared a public nuisance and may be returned to the shipper, treated, destroyed or otherwise disposed of by the inspector.

#### Stop Sale or Use Notice

(1) Any inspector of the South Carolina Department of Plant Industry shall have the authority to issue a "Stop Sale, Seizure Order" when any tobacco plants are found to be or suspected to be infested or not grown and inspected as required by any provision of law or these regulations;

(2) It shall be unlawful for any person, after receipt of such "Stop Sale, Seizure Order", to remove such notice from plants or from any location to which attached; or to sell, give away, move, plant or exchange such plants until so authorized by an inspector.

#### D. Disposition of Plants in Violation

Plants on which a "Stop Sale, Seizure Order" has been issued shall be removed from any sales area as not to be exposed for sale. The inspector may, when it is deemed advisable, require plants in violation to be returned to shipper, treated, destroyed, or otherwise disposed of.

#### E. Standards

(1) All tobacco plants shall meet the requirements of all applicable state and federal plant pest quarantines;

(2) All certified tobacco plants distributed, shipped, and offered for sale in South Carolina shall meet the following requirements:

(a) the soil in the beds in which the plants are to be grown shall be fumigated under plastic cover with methyl bromide (minimum 60 percent in formulation at the rate indicated on the label for tobacco transplant beds);

(b) all out-of-state plants shall be field-inspected a maximum of five days prior to their being shipped to South Carolina; all in-state tobacco plants shall be field inspected a maximum of five days prior to being offered for sale;

(c) all plants shall be found apparently free from all injurious plant pests including but not limited to insects, diseases, and nematodes;

(d) special emphasis shall be made to ensure that the plants are apparently free of black shank, Granville wilt, Fusarium wilt, blue mold, virus diseases and root knot nematodes;

(e) to aid in ensuring apparent freedom from injurious plant pests, the grower shall make full use of all compatible and approved pest control practices during the growing of the transplants;

(f) plants must be field inspected by regulatory officials in the state of origin and approved and certified as being free from injurious pests;

(g) each container of plants must be marked with a certificate of inspection bearing a declaration of certification, variety, plants per bundle and plants per container;

(h) each load of certified plants shall be accompanied by a master permit showing: Consignee, Consignor, Date of Issuance, Place of Issuance, Number of Containers for which issued;

(i) all tobacco plants not bearing valid certificates of the state of origin are subject to confiscation.

## F. Penalties

Any person or firm who shall violate these regulations shall be deemed guilty of a misdemeanor and upon conviction will be punished in accordance with § 46-9-90, S. C. Code of Laws (1976) as amended.

**HISTORY:** Amended by State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## ARTICLE 5 WITCHWEED QUARANTINE

Statutory Authority: 1976 Code Chapter 9 of Title 46

### Editor's Note

This Article, formerly consisting of Regulations 27-40 through 27-51, was completely revised, effective March 8, 1979, with Regulations 27-40 through 27-50 replacing the former Regulations.

### **27-40. Definitions.**

A. "Certificate" means a document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination.

B. "Compliance agreement" means a written agreement between an individual or concern engaged in growing, dealing in, or moving regulated articles and the South Carolina Crop Pest Commission, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of witchweed.

C. "Exemptions" means conditions contained in a regulation supplemental hereto which provide for modifications in conditions of movement of regulated articles from regulated areas under specific conditions.

D. "Infestation" means the presence of the witchweed or the existence of circumstances that make it reasonable to believe that witchweed is present.

E. "Inspector" means any authorized employee of the South Carolina Crop Pest Commission or any other person authorized by the State Entomologist to enforce the provisions of the quarantine and regulations supplemental thereto.

F. "Mechanized cultivating equipment and mechanized soil-moving equipment" means mechanized equipment used for cultivating purposes—e.g., turning or disc plows, or to move or transport soil—e.g., draglines, bulldozers, road scrapers and dump trucks.

G. "Permit" means a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing, or for treatment.

H. "Pest" means the parasitic plant known as Witchweed (*Striga* spp.) in any living stage.

I. "Regulated Articles" means those articles that require a certificate or permit year-round except as indicated.

J. "Regulated areas" means any civil division and parts of civil divisions in the State of South Carolina listed in a regulation supplemental hereto.

K. "Soil" means that part of the upper layer of earth in which plants can grow.

L. "Designated facility" means laboratories, gins, oil mills and processing plants as so specified by an inspector.

### **27-41. Regulated Articles.**

A. The witchweed (*Striga* spp.) in any living stage of development.

B. Soil, compost, decomposed manure, humus, muck and peat, separately or with other things; sand; and gravel.

Soil samples shipped to approved laboratories do not require attachment of certificate or permit. Designated facilities may be obtained from an inspector.

- C. Plants with roots.
- D. Grass sod.
- E. Plant crowns and roots for propagation.
- F. True bulbs, corms, rhizomes and tubers of ornamental plants.
- G. Root crops, except those from which all soil has been removed.
- H. Peanuts in shells and peanut shells, except boiled or roasted peanuts.
- I. Small grains.

Small grains are exempt if harvested in bulk or into new or treated containers and if the grains and containers for the grains have not come in contact with the soil, or if they have been cleaned at a designated facility as specified by an inspector. Exempted only if not exposed to infestation after cleaning or other prescribed handling. Information as to designated laboratories, facilities, gins, oil mills, and processing plants may be obtained from an inspector.

J. Soybeans are exempt when determined by an inspector that the soybeans were grown, harvested and handled in a manner to prevent contamination from witchweed seed.

K. Hay, straw, fodder and plant litter of any kind.

L. Seed cotton and gin trash.

Seed cotton is exempt if moving to a designated gin. Information as to designated laboratories, facilities, gins, oil mills and processing plants may be obtained from an inspector.

M. Stumpwood.

N. Long green cucumbers, cantaloupes, peppers, squash, tomatoes and watermelons, except those from which all soil has been removed.

O. Pickling cucumbers, string beans and field peas are exempt if washed free of soil with running water. Exempt if not exposed to infestation after cleaning or other prescribed handling.

P. Cabbage, except firm heads with loose outer leaves removed.

Q. Leaf tobacco, except flue-cured leaf tobacco.

R. Ear corn, except shucked ear corn. Exempted only if not exposed to infestation after cleaning or other prescribed handling.

S. Used crates, boxes, burlap bags, cotton picking sacks and other used farm products containers.

T. Used farm tools.

Used farm tools are exempt if cleaned free of soil. Exempted only if not exposed to infestation after cleaning or other prescribed handling.

U. Used mechanized cultivating equipment and used harvesting equipment. Used mechanized cultivating equipment is exempt if cleaned free of soil. Exempted only if not exposed to infestation after cleaning or other prescribed handling.

V. Used mechanized soil-moving equipment. Used mechanized soil-moving equipment is exempt if cleaned free of soil. Exempted only if not exposed to infestation after cleaning or other prescribed handling.

W. Any other products, articles, or means of conveyance, of any character whatsoever, not covered by the above when it is determined by an inspector that they present a hazard of spread of witchweed and the person in possession thereof has been so notified.

## **27-42. Conditions Governing the Movement of Regulated Articles.**

A. Certificate or permit required.

Unless exempted in a regulation supplemental hereto, a certificate or permit shall accompany the movement of regulated articles from any regulated area into or through any point outside thereof, except that, regulated articles originating outside of a regulated area moving through a regulated area to other nonregulated areas may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles and they are protected from infestation while within regulated areas, to the satisfaction of an inspector.

#### B. Attachment of certificates or permits.

When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described in the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.

#### C. Issuance of certificates.

Certificates may be issued by an inspector if the regulated articles:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(2) Have been treated to destroy infestation in accordance with approved procedures; or

(3) Have been grown, manufactured, stored or handled in such manner that no infestation would be transmitted thereby.

#### D. Issuance of permits.

Permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing or for treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of witchweed.

E. Requirements under other applicable quarantines must also be met.

### **27-43. Disposition of Certificates and Permits.**

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

### **27-44. Movement for Scientific Purposes.**

Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is securely attached to the container of such articles or to the article itself.

### **27-45. Compliance Agreement.**

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving such articles shall be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

### **27-46. Inspection and Disposal.**

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or conveyance moving within or from the State of South Carolina upon probable cause to believe that such means of conveyance or articles are infested with the witchweed; and, such inspector is authorized to seize, treat, destroy or otherwise dispose of articles found to be moving in violation of these regulations.

### **27-47. Waiver of Liability.**

The South Carolina Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of the quarantine, other than for the services of the South Carolina Crop Pest Commission.

### **27-48. Penalties.**

Under provisions of the "Act" creating a State Crop Pest Commission approved March 1912, any person who shall violate any of the regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by law.



## **27–49. Exemptions to Regulated Articles.**

- A. Soil samples of any size collected and shipped to any U. S. Army Corps of Engineers laboratory.
- B. Small grains, if harvested in bulk (or into new or treated containers and if the grains and containers for the grains have not come in contact with the soil) or, if they have been cleaned at a designated facility.
- C. Soybeans, when determined by an inspector that the soybeans were grown, harvested and handled in a manner to prevent contamination from witchweed seed.
- D. Pickling cucumbers, string beans and field peas, if washed free of soil with running water.
- E. Used farm tools, if cleaned free of soil.
- F. Seed cotton, if moving to a designated gin.
- G. Used mechanized cultivating and soil-moving equipment, if cleaned free of soil and not exposed to infestation after cleaning or other prescribed handling.

## **27–50. Regulated Areas.**

The official listing of quarantined areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**HISTORY:** Amended by State Register Volume 6, Issue No. 4, eff April 23, 1982; State Register Volume 7, Issue No. 5, eff May 27, 1983; State Register Volume 8, Issue No. 9, eff September 28, 1984; State Register Volume 9, Issue No. 8, eff August 23, 1985; State Register Volume 10, Issue No. 8, eff August 22, 1986; State Register Volume 11, Issue No. 6, eff June 26, 1987; State Register Volume 12, Issue No. 8, eff August 26, 1988; State Register Volume 14, Issue No. 4, eff April 27, 1990; State Register Volume 14, Issue No. 12, eff December 28, 1990; State Register Volume 27, Issue No. 5, eff May 23, 2003; State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003; State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

## **ARTICLE 5A TROPICAL SODA APPLE QUARANTINE**

## **27–55. Tropical Soda Apple Quarantine.**

### **55.1. Definitions.**

For the purpose of this regulation, the following shall be construed respectively to mean:

- A. Commission. The State Crop Pest Commission, or any officer or employee of the commission to whom authority to act in its stead has been or hereafter may be delegated.
- B. Pest. *Solanum viarum* Dunal, tropical soda apple in any stage of development.
- C. Host. Any animal, plant or animal or plant product upon which a pest is dependent for completion of any portions of its life cycle.
- D. Infested. Actually infested or infected with a pest or so exposed to infestation that it would be reasonable to believe that an infestation exists, as determined by the Commission.
- E. Person. Any individual, corporation, company, society, association or other business entity.
- F. Move. To ship, offer for shipment, receive for transportation, carry or otherwise transport, move or allow to be moved.
- G. Regulated article. Any article of any character as described in the regulation carrying or capable of carrying the plant pest against which the regulation is directed.
- H. Regulated area. Those geographic areas adjacent to the infested areas in which efforts are designed to prevent further movement and spread of the plant pest.
- I. Infested area. That geographic portion of the State in which the presence of a plant pest has been confirmed and in which primary remediation measures will be applied.
- J. Certificate. A document issued or authorized by the commission (or by the duly authorized regulatory agency of another state or of the United States) indicating that a regulated article is not contaminated with a pest.
- K. Permit. A document issued or authorized by the commission to provide for the movement of regulated articles to restricted destinations for limited handling, utilization, or processing.

L. Director. The Director, Division of Regulatory and Public Service Programs, Public Service and Agriculture, Clemson University.

M. Division. The Division of Regulatory and Public Service Programs, Public Service and Agriculture, Clemson University.

N. Department. The Department of Plant Industry, Division of Regulatory, and Public Service Programs.

#### **55.2. Regulated Articles**

A. Tropical Soda Apple (*Solanum viarum* Dunal) in any living stage of development.

B. Hay, crops, seed, turfgrass, or any other article grown or produced on infested land.

C. Livestock [as defined in 47–4–20(7)] or any other four-legged omnivorous or herbivorous animal that grazed or had access to infested land.

D. Cattle trailers and other animal transporters used to transport livestock from infested areas.

E. Any other products, articles, or means of conveyance of any character whatsoever not covered by the above, when it is determined by an inspector that such products, articles, or means of conveyance present a hazard of spread of tropical soda apple and the person in possession thereof has been so notified.

#### **55.3. Conditions Governing the Movement of Regulated Articles**

A. Certificate or permit required. A certificate or permit issued or authorized to be issued by an inspector of the state of origin shall accompany the movement of any regulated articles from infested states or infested areas in South Carolina. Unpermitted regulated articles will be returned to point of origin, except in the case of livestock proceeding directly to slaughter in accordance with subsection 60.4.E below.

B. Attachment of certificate or permit. Certificates or permits shall accompany the shipping document (invoice, way bill, or bill of lading) which adequately describes the regulated articles.

C. Issuance of certificates. Certificates may be issued or authorized to be issued by an inspector provided that the regulated articles which are the subject of the certificate:

(i) originated in non-infested premises in a regulated area and have not been exposed to infestation within the regulated area; or

(ii) have been examined and found to be free of infestation; or

(iii) were grown, stored, or handled in such a manner that no infestation would be transmitted; or

(iv) specifically in the case of herbivorous livestock, have been held in conditions free of fruiting TSA for at least 6 days prior to commencing movement from the infested area.

D. Issuance of Permits. Permits may be issued or authorized to be issued by an inspector to allow the movement of non-certified regulated articles to a specified destination provided the inspector determines that such movement will not result in the spread of tropical soda apple.

#### **55.4. Additional Conditions in South Carolina.**

A. The entire state is designated a regulated area.

B. No part of the tropical soda apple plant can be moved unless authorized by an inspector and a certificate or permit is issued.

C. No hay, crops, seed, turfgrass, or any other article grown or produced on infested land can be moved or transported unless it can be determined by growing season inspections that tropical soda apple was not present and/or did not produce fruit during the growth and harvesting of the crops.

D. Any livestock or other animal that grazed or had access to infested land cannot be moved to an uninfested area unless held for six days in a separate tropical soda apple fruit-free holding area.

E. Livestock conveyances hauling livestock from infested areas must be washed at a designated washing-out station or site or washed at an infested site. All such sites must be registered with the Department.

F. Regulated Livestock which originate in an infested state and which are proceeding directly to slaughter need not be accompanied by a certificate, provided such livestock is not unloaded within

South Carolina, except at the slaughter facility or at another facility which has previously been approved in writing by the department.

G. Waste from designated washing-out stations may not be moved unless such station is designated as TSA-free or has been composted or treated in accordance with Departmental instructions.

H. Upon the confirmation of Tropical Soda Apple on property, the Department shall notify the tenant and the landowner of the presence of Tropical Soda Apple and shall provide the landowner/tenant with recommendations for control/eradication. The landowner/tenant must maintain the land in a condition which will allow the Department to conduct adequate periodic surveys and other necessary and appropriate actions. This requirement extends to fallow land, land temporarily out of production, range land and any other land under the control of the landowner/tenant on which the plant pest may be found.

Should the landowner/tenant not comply with the recommendations of the Department after two written notifications, or should the landowner/tenant actively impede the activities of the Department in its survey/eradication activities, the Department may negotiate with an outside contractor to mow and/or spray the property with appropriate herbicides so that the Department may perform these activities. The Department may also file a Notice of Quarantine in the public records of the county in which the affected real property is located. The costs of such actions shall be a charge against the affected real property and the State shall have a lien upon said property to secure payment thereof.

#### **55.5. Compliance Agreement.**

A. Any person engaged in the growing of crops, hay, cattle, or any other article on land infested with tropical soda apple and also involved in its transportation, distribution, sale, etc. may be required to sign a compliance agreement stipulating that safeguards will be maintained against the establishment and spread of tropical soda apple and records on identity of regulated articles will be maintained.

#### **55.6. Movement for Scientific Purposes.**

A. Regulated articles may be moved for experimental or scientific purposes only in South Carolina under such conditions as may be prescribed by the commission.

#### **55.7. Addition/deletion of lands from Regulation.**

A. Deletion. When satisfactory evidence and data is available that no tropical soda apple has been found for two consecutive years, said infested area may be redesignated at the discretion of the Director, in accordance with Section 46-9-60 (B).

B. Addition. See Section 46-9-60.

C. In addition to the requirements of Section 46-9-60, future additions or deletions of areas under quarantine will be noticed in the State Register.

#### **55.8. Penalties.**

A. Any person who shall violate this regulation shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as authorized by Section 46-9-90 (A).

#### **55.9. Infested Areas.**

The official listing of quarantined areas in SC shall be maintained and made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**HISTORY:** Added by State Register Volume 23, Issue No. 5, eff May 28, 1999; State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

## **ARTICLE 6 SWEETPOTATO WEEVIL QUARANTINE**

Statutory Authority: 1976 Code Chapter 9 of Title 46

#### **Editor's Note**

This Article, formerly consisting of Regulations 27-60 through 27-72, was completely revised, effective March 8, 1979, with Regulations 27-60 through 27-70 replacing the former Regulations.

## **27-60. Definitions.**

For the purpose of this quarantine and regulation, the following shall be construed respectively to mean:

- A. "Certificate" means a document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination.
- B. "Compliance agreement" means a written agreement between an individual or concern engaged in growing, dealing in, processing or moving regulated articles and the South Carolina State Crop Pest Commission wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the sweetpotato weevil.
- C. "Container" means a crate, box, basket, sack or any other type of container used to handle or move sweetpotatoes or sweetpotato vines or roots.
- D. "Control area" means that portion of any regulated area where control measures may be applied but eradication currently is not the objective.
- E. "Eradication area" means that portion of any regulated area where eradication measures may be applied against the sweetpotato weevil.
- F. "Infestation" means the presence of the sweetpotato weevil or the existence of insect debris or damage that make it reasonable to believe that the sweetpotato weevil is present.
- G. "Inspector" means any authorized employee of the South Carolina State Crop Pest Commission or any other person authorized by the State Entomologist to enforce the provisions of the quarantine and regulations supplemental thereto.
- H. "Limited permit" means a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing or for treatment.
- I. "Pest" means the insect known as the sweetpotato weevil (*Cylas formicarius elegantulus* Sum.) in any living stage or development.
- J. "Generally infested area" means that part of the regulated area in which control measures are not being applied.
- K. "Regulated area" means any civil division and parts of civil divisions in the State of South Carolina listed in a regulation supplemental hereto.

## **27-61. Regulated Articles.**

- A. The sweetpotato weevil (*Cylas formicarius elegantulus* Sum.) in any living stage of development.
- B. Sweetpotato plants, roots and vines, or parts thereof.
- C. Vines or roots of any other plants belonging to the genus (*Ipomea* spp.)
- D. Any other products, articles, or means of conveyance of any character whatsoever not covered by the above, when it is determined by an inspector that they present a hazard of spread of the sweetpotato weevil and the person in possession thereof has been so notified.

## **27-62. Conditions Governing the Movement of Regulated Articles.**

- A. Certificate or permit required. A certificate or permit issued or authorized to be issued by an inspector of the State of origin shall accompany the movement of regulated articles:
  - (1) From any regulated area into or through any point outside thereof.
  - (2) From a generally infested area into or through an eradication area;
    - (a) Except that, regulated articles originating outside of a regulated area moving directly to other nonregulated areas may be moved without a certificate or permit if the point of origin is clearly indicated on the waybill or other document accompanying the shipment. In the case of regulated articles moved through regulated areas, the regulated articles shall be protected from infestation while within the regulated area to the satisfaction of an inspector.
    - (b) There are no restrictions on the movement of regulated articles within generally infested areas or eradication areas unless the articles originated on infested properties and an inspector has determined that a hazard of spread exists and the owner has been so notified. A property owner

so notified may move the specified regulated articles within generally infested areas or eradication areas only on the conditions approved by an inspector.

B. Attachment of certificates or permits. When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.

C. Issuance of certificates. Certificates may be issued or authorized to be issued by an inspector of the regulated articles:

(1) Have originated to noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(2) Have been examined and found to be free of infestation; or

(3) Have been grown, stored or handled in such a manner that no infestation would be transmitted.

D. Issuance of permits. Permits may be issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination provided the inspector determines that such movement will not result in the spread of the sweetpotato weevil and the movement is in accordance with procedures approved by the responsible regulatory official of the state of destination.

E. Requirements under other applicable state quarantines must be met.

### **27-63. Disposition of Certificates and Permits.**

In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

### **27-64. Movement for Scientific Purposes.**

Regulated articles may be moved for experimental or scientific purposes under such conditions as may be prescribed by the responsible regulatory official of the state of destination provided a scientific permit is securely attached to the container of such articles or to the article itself.

### **27-65. Compliance Agreement.**

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

### **27-66. Inspection and Disposal.**

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that such means of conveyance or articles are infested with the sweetpotato weevil; and, such inspector is authorized to seize, treat and destroy, or otherwise dispose of articles found to be moving in violation of these regulations.

### **27-67. Removal of Areas from Regulation.**

When satisfactory evidence has been presented that no sweetpotato weevils have been found for a period of one year, said regulated area may be removed from regulation at the discretion of the State Entomologist.

### **27-68. Waiver of Liability.**

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

## **27-69. Penalties.**

Under provisions of the "Act" creating a State Crop Pest Commission approved March 1912, any person who shall violate any of the regulations shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by law.

## **27-70. Regulated Areas.**

The official listing of regulated areas in SC shall be maintained and made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**HISTORY:** Amended by State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

### **ARTICLE 6B**

### **PLUM POX VIRUS QUARANTINE**

## **27-75. Plum Pox Virus Quarantine.**

**75.1. Definitions:** For the purpose of this regulation, the following shall be construed respectively to mean:

A. Commission: The State Crop Pest Commission, or any officer or any employee of the commission to whom authority to act in its stead has been or hereafter may be delegated.

B. Pest: A virus known as Plum Pox Virus (*Potyvirus plum pox virus*).

C. Person: Any individual, corporation, company, society, association or other business entity.

D. Move: To ship, offer for shipment, receive for transportation, carry or otherwise transport, move or allow to be moved.

E. Regulated article: Any article of any character as described in the regulation carrying or capable of carrying the plant pest against which the regulation is directed.

F. Regulated area: Quarantined area in which efforts are designed to prevent further movement and spread of the plant pest.

G. Certificate: A document issued or authorized by the Commission (or by the duly authorized regulatory agency of another state or of the United States or of a foreign nation) indicating that a regulated article is apparently free of a plant pest.

H. Director: The Director, Division of Regulatory and Public Service Programs, Public Service Activities, Clemson University.

I. Division: The Division of Regulatory and Public Service Programs, Public Service Activities, Clemson University.

J. Department: The Department of Plant Industry, Division of Regulatory and Public Service Programs.

K. USDA-APHIS-PPQ: United States Department of Agriculture - Animal and Plant Health Inspection Service - Plant Protection and Quarantine.

L. Compliance Agreement: A document signed by any person engaged in purchasing, assembling, exchanging, handling or moving regulated articles that stipulates he/she will maintain such safeguards against the establishment and spread of infection and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles as specified by the appropriate regulatory agency.

M. *Prunus*: All varieties of peach, plum, apricots, almond, nectarines, and cherry trees.

N. Appropriate Regulatory Agency: Means the regulatory agency of a state, or of the United States, or of a foreign country, which is charged with the responsibility of plant health, including but not limited to inspection, certification and quarantine.

O. Infested Area: Any county or geographic unit in which the presence of PPV has been reported by the appropriate regulatory agency.

## **75.2. Regulated Articles.**

A. Any species susceptible to the Plum Pox Virus. See Appendix I for PPV-susceptible species list.

B. All propagative and non-propagative material of PPV-susceptible *Prunus* species, including seed, budwood, fruit, leaves, twigs and blossoms.

### **75.3. Conditions Governing the Movement of Regulated Articles into South Carolina.**

A. Certificate is required (described in Section 75.3.C below). A valid inspection certificate (nursery certificate tag, phytosanitary certificate, certificate of quarantine compliance, etc.) bearing the name and address of the consignor must accompany the movement of regulated articles into or through South Carolina. Articles without a certificate will be either returned to the point of origin or confiscated and destroyed.

B. Attachment of certificate. When certificates are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate.

C. Issuance of Certificates. Certificates will be issued on the following conditions only:

1. All *Prunus* nursery stock, excluding species recognized as non-fruit bearing ornamental plants, originating from outside of any quarantined areas are subject to the following requirements:

a. Records Required: Propagators, exporters and importers, as appropriate, must keep detailed records of the following required information: species, variety, source of budwood and rootstock, year of propagation, where distributed and records of PPV tests for a minimum of 10 years. Propagators, exporters and importers are required to produce records to agents of the commission upon request; **AND**

b. All *Prunus* nursery stock must either:

i. be tested or originate from motherwood stock that has been tested according to protocol recognized by the appropriate regulatory agency for PPV and has been found negative; OR

ii. originate from an area where survey data for PPV susceptible *Prunus* material in a 0.5 mile radius of the nursery is negative based on testing protocol approved by the appropriate regulatory agency OR no PPV susceptible *Prunus* species were grown within a 1 mile radius based on an official survey.

2. If PPV is found in a continental U.S. State outside of Pennsylvania and is not under state and/or federal quarantine, then all *Prunus* material, to include ornamental stock, will be subjected to the guidelines as stated in Section 75.3.C.1.

3. If plum pox virus is found in any southeastern state, including but not limited to, Alabama, Georgia, North Carolina, South Carolina and Tennessee, then all *Prunus* stock must be tested at a level and protocol approved by the appropriate regulatory agency and certified PPV free before entering South Carolina.

4. No *Prunus* stock or *Prunus* related items such as seed, fruit, twigs, leaves, budwood, fruit blossoms, or bare root seedlings originating inside a quarantined area will be allowed entry into South Carolina.

D. The Department may enter into a compliance agreement with any person to allow shipment of regulated articles following "75.3 - Conditions Governing the Movement of Regulated Articles."

### **75.4. Additional Conditions in South Carolina.**

A. No regulated article may be moved out of any quarantined area.

B. Movement of *Prunus* species, *Prunus* budwood, *Prunus* twigs, or leaves within the quarantine area is prohibited.

C. Upon confirmation of PPV on property, the Department shall notify the landowner (and the tenant, if applicable) of the presence of Plum Pox Virus and shall provide the landowner/tenant with procedures for control/eradication in consultation with the USDA-APHIS-PPQ. The landowner/tenant must allow access and physical sampling for *Prunus* stock and maintain the land in a condition that will allow the Department to conduct adequate periodic surveys and other necessary and appropriate actions. This requirement extends to fallow land, land temporarily out of production, rangeland and any other land under the control of the landowner/tenant on which *Prunus* species are grown.

D. Open dumping of *Prunus* waste material is prohibited in any quarantined areas. All waste materials must be protected against exposure to potential vectors.

E. Upon confirmation of PPV, a Stop Sale/Seizure Order may be issued for regulated articles found on the premises as outlined by Section 46–9–60 S. C. Code.

**75.5. Planting of PPV-susceptible *Prunus* Species in South Carolina.**

A. Planting of *Prunus* trees or *Prunus* ornamentals in any area under a PPV quarantine is prohibited for one year after eradication. This applies to fruit bearing and ornamental plants.

**75.6. Movement for Scientific Purposes in South Carolina.**

A. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions, provided a scientific permit is securely attached to the container of such articles or to the article itself. Permit must be issued by a state or federal regulatory official.

**75.7. Addition/deletion of lands from Regulation in South Carolina.**

The official listing of regulated areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**75.8. Penalties.**

A. Penalties will be pursuant to Section 46–9–60.

**75.9. Regulated Areas.**

Any infested area in the United States as designated by USDA APHIS PPQ on their webpage: [https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plum-pox/ct\\_plum\\_pox](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/plum-pox/ct_plum_pox).

**75.10. Director’s Exemption.**

A. Any propagator, importer or exporter may petition the Director for exemption from these regulations, as written, on a case-by-case basis.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003. Amended by State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

**Editor’s Note**

URL in 75.9 updated in 2017.

**ARTICLE 6D  
LIGHT BROWN APPLE MOTH QUARANTINE**

**27–77. Light Brown Apple Moth Quarantine.**

1. A state-wide quarantine is hereby imposed for the light brown apple moth (LBAM), (*Epiphyas postvittana*).

2. Regulated articles as cited below may not be moved into or within South Carolina from:

- a. Any area under federal quarantine for light brown apple moth (LBAM), (*Epiphyas postvittana*).
- b. Any area under state quarantine for light brown apple moth (LBAM), (*Epiphyas postvittana*), regulated by the plant regulatory agency of the state concerned.

3. Regulated Articles:

- a. The light brown apple moth (*Epiphyas postvittana*) in any living stage.
- b. All host plants for light brown apple moth.
- c. Any other product, articles, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of a state or federal plant pest regulatory agency that they present a hazard of spreading the light brown apple moth.

d. A complete listing of host material may be found at [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/pest\\_detection/downloads/prae/epostvittanapra.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/pest_detection/downloads/prae/epostvittanapra.pdf)

4. The movement of host material into South Carolina from areas under federal quarantine for light brown apple moth (LBAM), (*Epiphyas postvittana*), is prohibited unless the host material and the surrounding area in the sending state are treated in strict accordance with the recommendations of the USDA APHIS Technical Working Group for Light Brown Apple Moth (June 8, 2007), including both judicious insecticide application and mating disruption. Host material shipped into South Carolina must be clearly labeled as having been so treated.

**HISTORY:** Added by State Register Volume 33, Issue No. 5, eff May 22, 2009.



**ARTICLE 6E**  
**PHYTOPHTHORA RAMORUM QUARANTINE**

**27–78. *Phytophthora ramorum* Quarantine.**

1. Regulated Plant Pest. *Phytophthora ramorum*.
2. Regulated Area. Any area of any state, territory or country under state or federal quarantine for *Phytophthora ramorum*, or any area of any state, territory, or country designated as a regulated area for *Phytophthora ramorum* by the cognizant state or federal plant pest regulatory agency.
3. Regulated Articles:
  - a. All host and associated plants for *Phytophthora ramorum*.
  - b. Any other product, article, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of a state or federal plant pest regulatory agency that they present a hazard of spreading *Phytophthora ramorum*.
  - c. A complete listing of host material may be found at [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/pram/downloads/pdf\\_files/usdaprlst.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/usdaprlst.pdf)
4. Regulation of *Phytophthora ramorum*.

Clemson University Department of Plant Industry will enforce any applicable United States Department of Agriculture statute, regulation, order or other requirement regarding *Phytophthora ramorum*.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 34, Issue No. 4, eff April 23, 2010; State Register Volume 35, Issue No. 5, eff May 27, 2011.

**APPENDIX I. PPV SUSCEPTIBLE SPECIES**

(NOTE: This is not intended to be a comprehensive list. Some species listed may be resistant. Some species may be susceptible that are not listed.)

**Subgenus *Prunus* (Peach, Plum, Apricot)**

- P. alleghaniensis*
- P. Americana*
- P. angustifolia*
- P. armeniaca*
- P. blireana*
- P. bokhariensis*
- P. brigantina*
- P. cerasifera* (includes *P. myrobalana* and its cultivars)
- P. cocomilia*
- P. consociiflora*
- P. curdica*
- P. dasycarpa*
- P. domestica*
- P. dunbarii*
- P. gigantean*
- P. gracilis*
- P. gravesii*
- P. gymmodonta*
- P. hortulana*
- P. institia*
- P. mandshurica*
- P. maritime*

*P. mexicana*  
*P. monticola*  
*P. mume*  
*P. munsoniana*  
*P. nigra*  
*P. orthosepala*  
*P. pseudoarmeniaca*  
*P. reverchonii*  
*P. salicina*  
*P. sibirica*  
*P. simonii*  
*P. spinosa*  
*P. subcordata*  
*P. umbellate*  
*P. ursine*  
*P. ussuriensis*

**Subgenus *Amygdalus* (Almond, Nectarine)**

*P. amygdalo-persica*  
*P. arabica*  
*P. argentea*  
*P. arnoldiana*  
*P. baldschuanica*  
*P. bucharica*  
*P. davidiana*  
*P. dulcis*  
*P. fasciculata*  
*P. fenzliana*  
*P. kansuensis*  
*P. mira*  
*P. mongolica*  
*P. pedunculata*  
*P. persica*  
*P. petunmikowii*  
*P. pilosa*  
*P. skinneri*  
*P. spinosissima*  
*P. szweginzowii*  
*P. tangutica*  
*P. tenella*  
*P. triloba*  
*P. vavilovii*  
*P. webbii*

**Subgenus *Lithocerasus* (Cherry)**

- P. besseyi*
- P. bifrons*
- P. cistena*
- P. glandulosa*
- P. humilis*
- P. incana*
- P. jacquemontii*
- P. japonica*
- P. microcarpa*
- P. prostrata*
- P. pumila*
- P. tomentosa*
- P. utahensis*

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003.

**ARTICLE 6F**

**Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine**

**27–79. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine.**

1. Regulated Plant Pest. Citrus Greening (*Candidatus Liberibacter Asisticus*).
2. Regulated Area. Charleston, Colleton, and Beaufort counties.
3. Regulated/Quarantined Articles: Quarantined items include the following: All plants, budwood, cuttings, seeds for propagative purposes, or other fresh or live plant parts, except fresh fruit, of: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia monophylla*, *Atalantia* spp., *Balsamocitrus dawaei*, *Bergera* (*Murraya*) *koenigii*, *Calodendrum capense*, *X Citroncirus webberi*, *Citropsis articulata*, *Citropsis gillettiana*, *C. schweinfurthii*, *Citrus madurensis* (*X Citrofortunella microcarpa*), *Citrus* spp., *Clausena anisum-olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella* spp., *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *M. papuana*, *X Microcitronella* spp., *Murraya* spp., *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Tetradium rutilcarpum*, *Toddalia asiatica*, *Triphasia trifolia*, *Vepris* (*Toddalia*) *lanceolata*, and *Zanthoxylum fagara*.
4. Movement of Regulated Articles. No quarantined item may be transmitted beyond the boundaries of Beaufort, Charleston, and Colleton counties.

**HISTORY:** Added by State Register Volume 34, Issue No. 4, eff April 23, 2010.

**ARTICLE 7**

**PHONY PEACH QUARANTINE**

**27–80. [Quarantine Established.]**

The South Carolina State Crop Pest Commission hereby establishes a quarantine to prevent the spread of phony peach, a virus disease of peach and certain other stone fruits, setting forth in the following regulations: (1) regulated articles; (2) conditions governing movement; (3) conditions under which areas may be removed from regulation; and (4) regulated areas.

**27–81. Definitions.**

For the purpose of this quarantine and regulations, the following shall be construed respectively to mean:

1. Certificate. A document issued or authorized to be issued by an inspector to allow the movement of regulated articles.

2. Compliance agreement. A written agreement between an individual, or concern engaged in growing, dealing in or moving regulated articles and the South Carolina State Crop Pest Commission, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the phony peach disease.

3. Infestation. The presence of phony peach disease or the existence of circumstances that make it reasonable to believe that the phony peach disease is present.

4. Inspector. Any authorized employee of the South Carolina State Crop Pest Commission or any other person authorized by the State Entomologist to enforce the provisions of the quarantine and regulation supplemental thereto.

5. Scientific Permit. A document issued or authorized by the State Entomologist to allow movement to a specified destination for scientific purposes.

6. Pest. A virus known as the phony peach disease of peaches.

7. Regulated areas. Any civil divisions and parts of civil divisions in the State of South Carolina listed in a regulation supplemental hereto.

### **27-82. Regulated Articles.**

All peach, plum, apricot, nectarine and almond nursery stock.

### **27-83. Conditions Governing the Movement of the Regulated Articles.<sup>1</sup>**

1. Certificate required. A valid nursery inspection certificate bearing the name and address of the consignor must accompany the movement of regulated articles from any regulated area into or through any point outside thereof.

2. Attachment of certificates. When nursery certificates are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate the attachment of the certificate to each of the containers is not required.

3. Issuance of certificates. Certificates may be issued only on the following conditions:

a. That each nursery in the phony peach infected area(s) producing regulated products shall apply to the State quarantine official for approval of the proposed nursery-growing site on or before August 15th of each year.

b. Selected nursery sites shall be at least 300 yards from wild plum, one-half mile from phony infected commercial orchards, and one-half mile from urban areas.

c. The one mile environs of the nursery site shall be inspected prior to October 1st, and all phony trees found within such environs removed prior to November 1st.

d. All budding shall be restricted to the slip-bud method.

### **27-84. Disposition of Certificates.**

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

### **27-85. Movement for Scientific Purposes.**

Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is securely attached to the container of such articles or to the article itself.

### **27-86. Compliance Agreement.**

As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infection and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles.

<sup>1</sup> Requirements under other applicable State quarantines must also be met.

### **27-87. Inspection and Disposal.**

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that such articles are infected with the phony peach disease; and, such inspector is authorized to seize, destroy or otherwise dispose of articles found to be moving in violation of these regulations.

### **27-88. Removal of Areas from Regulation.**

When satisfactory evidence has been presented that no phony peach disease has been found for a period of three consecutive years in a county affected by this quarantine, said county may be removed from regulation.

### **27-89. Waiver of Liability.**

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

### **27-90. Penalties.**

Under provisions of the Act creating a State Crop Pest Commission approved March 1912, any person who shall violate any of the regulations shall be guilty of a misdemeanor and upon conviction thereof shall be punished by law.

### **27-91. Regulated Areas.**

The following are designated as regulated areas:

1. Those areas of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Tennessee and Texas, which are under regulations by their respective state authorities or any other state areas similarly quarantined by the responsible Regulatory Agency of that State.
2. Description of regulated areas in South Carolina. Counties of Aiken, Allendale, Bamberg, Barnwell, Calhoun, Cherokee, Chesterfield, Edgefield, Greenville, Hampton, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter and York.
3. Any other areas in the State of South Carolina hereafter found infected, such other areas to become immediately subject to these regulations when the property owner is so notified through a newspaper release or through direct written notice to those concerned.

## **ARTICLE 8 JAPANESE BEETLE QUARANTINE**

Statutory Authority: 1976 Code Chapter 9 of Title 46

#### **Editor's Note**

These revisions to the Japanese Beetle Quarantine regulations, superseding the previous revisions of June 24, 1980, became effective April 23, 1982.

### **27-100. Definitions.**

- A. "Certificate" means a document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination.
- B. "Compliance Agreement" means a written agreement between an individual, or concern engaged in growing, dealing in, or moving regulated articles and the South Carolina State Crop Pest Commission, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the Japanese beetle.
- C. "Infestation" means the presence of the Japanese beetle or the existence of circumstances that make it reasonable to believe that the Japanese beetle is present.

D. “Inspector” means any authorized employee of the South Carolina State Crop Pest Commission or any other person authorized by the State Entomologist to enforce the provisions of the quarantine and regulations supplemental thereto.

E. “Mechanized Soil-moving Equipment” means mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump trucks.

F. “Permit” means a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing, or for treatment.

G. “Pest” means the insect known as the Japanese beetle (*Popillia japonica* Newm.) in any stage of development.

H. Soil” means that part of the upper layer of earth in which plants can grow.

## **27–101. Regulated Articles.**

A. The Japanese beetle (*popillia japonica* Newm.) in any living stage.

B. Soil, humus, compost, and manure (except when commercially packaged).

C. All plants with roots (except bareroot plants free from soil). “Free from soil” as used in the regulation shall mean free from soil in amounts that could contain concealed Japanese beetle larvae or pupae.

D. Bulbs, corms, tubers, and rhizomes of ornamental plants and plant crowns or roots for propagation except when they are free from soil.

E. Grass Sod.

F. Any other product, articles, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of the Plant Pest Regulatory Service that they present a hazard of spreading the Japanese beetle.

## **27–102. Conditions Governing the Movement of Regulated Articles.**

A. Certificate or Permit Required

A certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles, provided in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of an inspector.

B. Attachment of Certificates or Permits

When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.

C. Issuance of Certificates

Certificates may be issued by an inspector if the regulated articles:

(1) Have originated in noninfested premise in a regulated area and have not been exposed to infestation while within the regulated area;

(2) upon examination, have been found to be free of infestation;

(3) have been treated to destroy infestation in accordance with approved procedures;

(4) have been grown, produced, manufactured, stored or handled in such manner that no infestation would be transmitted thereby.

D. Issuance of Permits

Permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing, or for treatment

in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the Japanese beetle.

E. Movement of Regulated Articles

There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.

**27-103. Disposition of Certificates and Permits.**

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

**27-104. Movement for Scientific Purposes.**

Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a permit is securely attached to the container of such articles or to the article itself.

**27-105. Compliance Agreement.**

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

**27-106. Inspection and Disposal.**

Any properly identified inspector is authorized to stop and inspect without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that such means of conveyance or articles are infested with the Japanese beetle; and, such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these regulations.

**27-107. Waiver of Liability.**

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

**27-108. Penalties.**

Under provisions of the Act creating a State Crop Pest Commission, approved March, 1912, any person who shall violate any of the regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by law.

**27-109. Regulated Areas.**

A. Generally Infested Area.

1. Abbeville County. The entire county.
2. Aiken County. The entire county.
3. Anderson County. The entire county.
4. Calhoun County. The entire county.
5. Cherokee County. The entire county.
6. Chester County. The entire county.
7. Chesterfield County. The entire county.
8. Darlington County. The entire county.

9. Dillon County. The entire county.
10. Fairfield County. The entire county.
11. Florence County. The entire county.
12. Greenville County. The entire county.
13. Greenwood County. The entire county.
14. Horry County. The entire county.
15. Kershaw County. The entire county.
16. Lancaster County. The entire county.
17. Laurens county. The entire county.
18. Lee County. The entire county.
19. Lexington County. The entire county.
20. Marion County. The entire county.
21. Marlboro County. The entire county.
22. McCormick County. The entire county.
23. Newberry County. The entire county.
24. Oconee County. The entire county.
25. Orangeburg County.

That portion of Orangeburg County bounded by a line beginning at a point where the North Fork of the Edisto River junctions with the Orangeburg-Lexington County line; thence in a southeast direction along said river to its junction with U. S. Highway 301; thence east along said highway to its junction with U. S. Highway 176; thence in a northwesterly direction along said highway to its junction with the Orangeburg-Calhoun County line; thence in a southwesterly direction along Orangeburg-Lexington County line to the point of beginning.

26. Pickens County. The entire county.
27. Richland County. The entire county.
28. Saluda County. The entire county.
29. Spartanburg County. The entire county.
30. Union County. The entire county.
31. York County. The entire county.

B. Suppressive area. None

**HISTORY:** Amended by State Register Volume 8, Issue No. 5, eff May 25, 1984; State Register Volume 13, Issue No. 4, eff April 28, 1989; State Register Volume 16, Issue No. 3, eff March 27, 1992.

## **27-110. Other Regulated Areas.**

The entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

**HISTORY:** Restated with no changes in State Register Volume 16, Issue No. 3, eff March 27, 1992.

### **ARTICLE 9 IMPORTED FIRE ANT QUARANTINE**



### Editor's Note

These revisions to the Imported Fire Ant Quarantine Regulations, superseding all previous revisions, became effective April 23, 1982.

## 27-120. Definitions.

A. "Certificate" means a document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination.

B. "Compacted soil" means soil attached to equipment which cannot be removed by brisk brushing or washing with water, or both, under normal city water pressure.

C. "Compliance agreement" means a written agreement between an individual, or concern engaged in growing, dealing in, or moving regulated articles and the South Carolina Crop Pest Commission, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the imported fire ant.

D. "Exemptions" means conditions contained in a regulation supplemental hereto which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

E. "Infestation" means the presence of the imported fire ant or the existence of circumstances that make it reasonable to believe that the imported fire ant is present.

F. "Inspector" means any authorized employee of the South Carolina State Crop Pest Commission or any other person authorized by the State Entomologist to enforce the provisions of the quarantine and regulation supplemental thereto.

G. "Mechanized soil-moving equipment" means mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump trucks.

H. "Permit" means a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization or processing, or for treatment.

I. "Pest" means the insect known as the red imported fire ant (*Solenopsis invicta* Buren) in any stage of development.

J. "Regulated areas" mean any civil division and parts of civil divisions in the State of South Carolina listed in a regulation supplemental hereto.

K. "Regulated articles" mean those articles that require a certificate or permit year-around except as indicated.

L. "Suppressive areas" mean that part of the regulated area where eradication is undertaken as the objective of the program.

M. "Soil" means soil shall be considered as that part of the upper layer of earth in which plants can grow.

## 27-121. Regulated Articles.

A. The imported fire ant (*Solenopsis invicta* Buren) in any living stage of development.

B. Soil separately or with other things.

C. Plants with roots with soil attached.

D. Grass sod.

E. Hay and straw.

F. Used mechanized soil-moving equipment.

G. Any other products, articles, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of the Plant Pest Regulatory Service that they represent a hazard of spread of the imported fire ant and the person in possession thereof has been so notified.

### **27-122. Exemptions to Regulated Articles.**

A. Soil samples of one pound or less which are packaged so that no soil will be spilled in transit and are consigned to laboratories operating under compliance agreement. Information as to approved laboratories may be obtained from an inspector.

B. Soil samples of any size collected and shipped to any U. S. Army Corps of Engineers soil laboratory.

C. Potting soil if commercially prepared, packaged, and shipped in original containers.

D. Hay and straw if used for packing or bedding.

E. Used mechanized soil-moving equipment if cleaned of all loose, noncompacted soil and not exposed to infestation after cleaning or other prescribed handling.

F. Transplants if substantially free of soil, and houseplants grown in the home and not for sale.

### **27-123. Conditions Governing the Movement of Regulated Articles.**

A. Certificate or Permit Required.

A certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of an inspector.

B. Attachment of Certificates or Permits.

When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.

C. Issuance of Certificates.

Certificates may be issued by an inspector if the regulated articles:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area;

(2) Upon examination, have been found to be free of infestation;

(3) Have been treated to destroy infestation in accordance with approved procedures;

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

D. Issuance of Permits.

Permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing, or for treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the imported fire ant.

E. Additional Requirements.

All other applicable State and Federal domestic plant quarantines must be met.

### **27-124. Movement of Regulated Articles.**

There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.

### **27-125. Disposition of Certificates and Permits.**

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

## **27–126. Movement for Scientific Purposes.**

Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a permit is securely attached to the container of such articles or to the article itself.

## **27–127. Compliance Agreement.**

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

## **27–128. Inspection and Disposal.**

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that such means of conveyance or articles are infested with the imported fire ant; and, such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these regulations.

## **27–129. Waiver of Liability.**

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

## **27–130. Penalties.**

Under provisions of the Act creating a State Crop Pest Commission approved March 1912, any person who shall violate any of the regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by law.

## **27–131. Regulated Areas.**

A. Generally Infested Areas. The Entire State.

**HISTORY:** Amended by State Register Volume 7, Issue No. 5, eff May 27, 1983; State Register Volume 8, Issue No. 10, eff October 26, 1984; State Register Volume 9, Issue No. 10, eff October 25, 1985; State Register Volume 10, Issue No. 10, eff October 24, 1986; State Register Volume 14, Issue No. 1, eff January 12, 1990; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997; State Register Volume 30, Issue No. 6, eff June 23, 2006.

### **ARTICLE 10**

#### **DESIGNATION OF PLANT PESTS**

## **27–135. Designation of Plant Pests.**

1. The Commission hereby delegates to the Director the authority to determine and implement appropriate measures to eradicate, control, or slow the spread of plant pests in South Carolina. This authority extends to a decision that a plant pest has become so widespread that the initiation or continuation of control measures would be ineffective.

2. An advisory committee made up of at least 5 members will meet at least annually to review and make recommendations on the official listing of plant pests in SC. The committee members will be: the State Plant Regulatory Official for South Carolina (or designee), the USDA State Plant Health Director for South Carolina (or designee), a Clemson University Cooperative Extension Service Representative, and at least 2 at large representatives from other stakeholder agencies, such as the SC Department of Natural Resources, the SC Forestry Commission, or the SC Department of Agriculture. At large members shall be nominated and voted on by the advisory committee at its annual meeting. Additional at large members may be nominated and voted in at the annual advisory committee meeting. At large members from stakeholder agencies shall each serve a three-year term.

3. The official listing of plant pests in SC shall be maintained and made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**HISTORY:** Added by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996. Amended by State Register Volume 24, Issue No. 5, eff May 26, 2000; State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

## ARTICLE 10A ASIAN CITRUS PSYLLID

### **27–137. Designation of Asian Citrus psyllid as plant pest and quarantine.**

1. Asian citrus psyllid (ACP), *Diaphorina citri* Kuwayama, is hereby designated a plant pest, pursuant to Title 46, Chapter 9, Section 15, SC Code of Laws.

2. Effective immediately, a quarantine is placed on Charleston County, Beaufort County and Colleton County for ACP. Regulated articles as cited below may not be moved into or within unregulated areas of South Carolina from these counties except as outlined hereafter.

3. The following are regulated articles based on the fact that they are plants or plant parts that are hosts of ACP: All plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit, of: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia monophylla*, *Atalantia* spp., *Balsamocitrus dawaei*, *Bergera* (= *Murraya*) *koenigii*, *Calodendrum capense*, *X Citroncirus webberi*, *Citropsis articulata*, *Citropsis gillettiana*, *C. schweinfurthii*, *Citrus madurensis* (= *X Citrofortunella microcarpa*), *Citrus* spp., *Clausea anisum olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella* spp., *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *M. papuana*, *X Microcitronella* spp., *Murraya* spp., *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Tetradium ruticarpum*, *Toddalia asiatica*, *Triphasia trifolia*, *Vepris* (= *Toddalia*) *lanceolata*, and *Zanthoxylum fagara*.

4. In order to be eligible to move interstate or intrastate from ACP quarantined areas, regulated articles must meet the following requirements:

A. Treatment. All regulated articles moving from quarantined counties must be treated with any approved treatment for ACP either listed in 7 CFR 305 or listed below in this Order using an Environmental Protection Agency (EPA) approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and all restrictions and precautions, including statements pertaining to Worker Protection Standards.

i. Regulated articles not intended for consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to movement.

ii. Or, in the case of regulated articles intended for consumption or decorative use, such as fresh curry leaf (*Bergera murraya*) *koenigii*, or mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, this plant material must be treated prior to the interstate movement in accordance with APHIS treatment schedule T101 n 2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined for CG may be irradiated in accordance with 7 CFR 305.

B. Inspection. All regulated articles that have been treated as provided above must be inspected by an inspector and found free of the ACP within 72 hours prior to shipping. Inspection of curry leaf that is treated with methyl bromide fumigation will not be required since the treatment is considered to be effective in killing all life stages of ACP that might be present.

C. Compliance Agreements. Any person engaged in the business of growing or handling regulated articles for intrastate movement shall enter into a compliance agreement with the Department of Plant Industry to facilitate the movement of regulated articles in accordance with all of the requirements of the above requirements. Such persons must agree to handle, pack, process, treat, and move regulated articles in accordance with state regulations; to use all permits and

certificates in accordance with instructions; and to maintain and offer for inspection such records as may be required.

D. Cancellation. Any compliance agreement may be cancelled by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with all of the regulatory requirements.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

## **ARTICLE 10B SEED IRISH POTATOES**

### **27-140. Seed Irish Potatoes**

The South Carolina State Crop Pest Commission, to protect the yield and quality of Irish Potatoes, does hereby promulgate the following regulation, declaring the pests, regulated area, restricted material, conditions governing the issuance and use of certificates for the movement of restricted material, inspections and tolerances governing certification, and penalties.

**HISTORY:** Amended by State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

### **27-141. Pests.**

The official listing of Seed Irish Potato pests in SC shall be maintained and made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**HISTORY:** Amended by State Register Volume 39, Issue No. 6, Doc. No. 4490, eff June 26, 2015.

### **27-142. Regulated Areas.**

All states of the United States, including South Carolina.

All territories of the United States.

### **27-143. Restricted Material.**

All certified Irish potatoes intended for seed purposes and sold, offered for sale, or distributed as such.

### **27-144. Conditions Governing the Issuance and Use of Certificates for the Movement of Restricted Material.**

Restricted material shall not be moved into, within, sold or offered for sale in the State of South Carolina unless there is firmly affixed to each container an official certified seed Irish potato tag as issued by a properly constituted and recognized authority or agency of the state or territory of origin, and unless the containers themselves (if sacks) are closed by the use of a lead seal or mechanical sealer.

Certified seed Irish potato tags will only be recognized when issued by properly constituted and recognized officials or agencies of the state or territories of origin, and upon determination;

(1) That the person, firm or corporation desiring to grow certified seed Irish potatoes had made application to the proper officer or agency in advance of the planting date, giving the source of his or their foundation stock, which must meet with the approval of the certifying officer or agency within the state or territory where grown.

(2) That the material so certified was inspected at least twice while growing and was within the tolerance allowed for various insects and diseases, as hereinafter set forth.

(3) That an inspection of the potatoes at the time of shipment did not disclose diseases or insect pests beyond the tolerances allowed.

(4) That certified seed Irish potatoes shall be stored in such manner as to preserve their identity.

(5) That all certified seed Irish potatoes shall be tagged in such a manner as to set forth that the potatoes in the container to which the tag is attached have met the requirements for certification as herein set forth.

## 27-145. Inspections and Tolerances Governing Certification.

### FIELD INSPECTIONS

At least two field inspections shall be made each year at such time as, in the judgment of the certifying agency, is most appropriate. On any one such inspection pest tolerances shall not exceed the following percentages:

<i>Pest</i>	<i>Tolerances</i>
Rugose Mosaic	2%
Spindle Tuber	2%
Leafroll	2%
Total of above virus diseases not to exceed	3%
Mild Mosaic	5%
Other diseases known or suspected to be of virus origin, such as yellow dwarf, witches' broom, haywire, giant hill, rosette, spinach leaf, curly dwarf	2%
Sclerotium rolfsii wilt	1%
Tuber Moth	0%
Potato Wart	0%
Bacterial Wilt—Soft Rot, Ring Rot	0%
TUBER INSPECTION—at time of shipment	
Stem End Discoloration	4%
Hair Sprout	5%
Spindle Tuber	1%
Scab and Rhizotonia	6% of the tuber, by weight, that have more than 5% of the surface covered by scab or Rhizotonia.
Net Necrosis	5%
Tuber Moth	0%
Late Blight	1%
Sclerotium rolfsii wilt	1%
Nematodes	0%
Potato Wart	0%
Bacterial Wilt,—Soft Rot, Ring Rot	0%

## 27-146. Non-certified Seed Irish Potatoes.

All other Irish potatoes entering the State of South Carolina for seed purposes which do not bear an official certification seed Irish potato tag must have attached thereto a tag prominently stating, "These potatoes are non-certified," and no statement on these tags shall read or imply that the seed potatoes contained therein are of superior quality, personally certified, or registered.

## 27-147. Penalties.

Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Section 6 of An Act to Create a State Crop Pest Commission of South Carolina.

### ARTICLE 11 SWEET POTATOES

## 27-150. [Regulations Promulgated.]

1. All persons desiring to sell, barter, or give away sweet potatoes for seed purposes or who expect to bed sweet potatoes for the purpose of selling plants must have at least three inspections by the South Carolina State Crop Pest Commission and a certificate stating that they were found apparently free from the sweet potato weevil (*Cylas formicarius* Oliv.), black rot, stem rot and other especially injurious insects and diseases of the sweet potato.

(a) First Inspection: The first inspection shall be made while the crop is in the field, preferably the latter part of August and during September. During this inspection especial attention is given to stem rot or wilt.

(b) Second Inspection: The second inspection is made sometime during storage. During this inspection especial attention is given to black rot.

(c) Third Inspection: This is an inspection of the beds and is soon after the plants come up. Other inspections may be made when in the judgment of the Commission it is deemed necessary.

2. Growers will be required to treat seed potatoes prior to bedding and to bed in soil that has been properly treated. Recommended treatment procedures may be obtained from members of the Commission, from county agents or any qualified agricultural official.

3. Sweet potatoes for seed purposes or sweet potato plants shipped within or out of the state of South Carolina must be accompanied by a sweet potato permit of the South Carolina State Crop Pest Commission. This permit is issued at cost after all requirements of these regulations are met. Any grower desiring to ship sweet potato plants out of the state of South Carolina should notify this Commission so that a duplicate copy of his sweet potato certificate might be filed with the state concerned.

4. Sweet potatoes for seed purposes or sweet potato plants may be shipped into the state of South Carolina only after a certificate of inspection has been filed with the South Carolina State Crop Pest Commission by the state concerned and each shipment accompanied by a permit issued by the state concerned.

5. All persons, firms or corporations desiring to have their premises inspected for permit to transport sweet potatoes or sweet potato plants for propagating purposes shall make application before August 1, of each year. Applications received after the above date will not be acted upon until the first inspection is due again the following year. Persons planning to buy seed sweet potatoes from other sources in order to bed and sell plants must purchase these potatoes from inspected growers in order to qualify for a permit. A list of these growers may be obtained from the South Carolina State Crop Pest Commission, Clemson, South Carolina, upon request.

## ARTICLE 12 PLANT NURSERY REGULATIONS

### **27-160. Plant Nursery Regulations.**

#### A. Definitions

(1) Application: The process of requesting services from the Department of Plant Industry.

(2) Department: The Department of Plant Industry (DPI).

(3) Director: The Director, Regulatory and Public Service Programs, Clemson University.

(4) Greenhouse: A building, room, or area, where the temperature and/or climate is maintained and is used for growing, propagating and/or maintaining nursery stock for sale.

(5) Infestation: The presence of any plant pests which is regarded as injurious or noxious.

(6) Inspector: Any authorized employee or agent of the State Crop Pest Commission or any other person authorized by the Director to enforce the provisions of these regulations.

(7) Inspection: The physical observation by the Department of Plant Industry to verify freedom of plant pests, condition of general environment, and compliance with all relevant State and Federal regulations and/or laws.

(8) Location: Any place where nursery stock is grown, collected or distributed.

(9) Nursery: Any place where nursery stock is grown for sale.

(10) Nursery Certificate: A required document issued by the Department or the equivalent agency of another state, declaring that the Nursery Stock grown for sale or distribution by the person named on the document has been inspected and registered.

(11) Nursery Certificate Tag: A document issued by the Department which accompanies individual shipments of nursery stock and declares apparent freedom from major plant pests and compliance with all relevant state and federal quarantines.

(12) Nursery Dealer: Any person not a grower of nursery stock who buys certified nursery stock for resale and any nurseryman who operates a sales lot separately from his nursery.

(13) Nursery Dealer Certificate: A document issued by the Department, or the equivalent agency of another state, declaring that the nursery stock being sold by the person named on the document have been registered and the nursery stock sources have been verified to be certified/licensed nursery stock in their place of origin.

(14) Nurseryman: Any person engaged in the production or collection of nursery stock for sale or distribution.

(15) Nursery Stock: All trees (fruit, nut, shade and ornamental), ornamental plants, turfgrass, bush fruits, buds, grafts, scions, vines, roots, bulbs, seedlings, slips, tissue culture or other portions of plants (excluding true seeds) grown, collected or kept for propagation, sale or distribution. Also includes any other plant or plant part included by the Director, if regulating its movement is necessary to control any plant pest.

(16) Person: Individual, firm, corporation, partnership, association, state and federal agencies, schools, groups, or organizations.

(17) Plant Pest: Any living stage of insects, mites, nematodes, slugs, animals, protozoa, snails or other invertebrate animals, bacteria, weeds, fungi, other parasite plants or their reproductive parts, or viruses, or organisms similar to or allied with the foregoing, including genetically engineered organisms or infectious substances which directly or indirectly may injure or cause disease or damage in plants or their parts or processed, manufactured, or other products of plants, and which may be a serious agricultural threat to the State, as determined by the Director.

(18) Quarantine: Limitations placed upon the free movement of plant pests, animals, plants, equipment, machinery, goods, genetically engineered organisms, or means of transportation, or all of the foregoing, considered reasonably necessary to prevent the spread of a plant pest.

(19) Turfgrass: The top layer of earth comprised of grass leaf blades, stolons, thatch, and roots grown for commercial harvesting and sale as sod, sprigs, or any other part thereof, excluding seed.

**HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 41, Issue No. 5, Doc. No. 4655, eff May 26, 2017.**

## **27–161. Nursery Registration.**

### **A. Application**

A Nursery Certificate is required for any person operating a Nursery in South Carolina. To obtain a Nursery Certificate, applications must be made to the Department. After the initial application, all Nurseries with a current Nursery Certificate will receive automatic renewal applications annually. Nurseries with an expired Nursery Certificate must submit a new application for a Nursery Certificate.

### **B. Inspection**

Following receipt of initial or renewal application, any nursery in South Carolina must be inspected *at least annually* by the Department. Inspection must reveal that the Nursery possesses good environmental conditions and the Nursery Stock is sufficiently free from Plant Pests. All inspections, announced or otherwise, shall be performed to ensure compliance with these regulations, and to identify and monitor any Plant Pests. Should inspection reveal poor environmental conditions and/or Plant Pests at an unacceptable level, the Nursery Certificate may be revoked until the situation is corrected per the guidelines of the Department.

### **C. Registration**

In addition to Application and Inspection, any person operating a Nursery in South Carolina must register with the Department. Nursery registration fees shall be on a graduated scale and all fees charged and collected shall be used by the Department to fund and support activities related to fulfilling the Department's responsibilities regarding the regulation of the nursery industry in South Carolina. All Nursery Certificates expire annually. In cases where nursery stock is grown at more than one location by one nursery, the fees shall be based upon the nursery's aggregate number of acres in production of the nursery. In cases where the nursery consists of a combination of greenhouses, turfgrass, and other nursery stock acreage, a single license fee must be assessed at the higher rate of the three categories.



The following annual Nursery Registration fee schedule is in effect:

- (i) Nursery stock (except turfgrass) production acres of 10 or less, greenhouses with less than 6,000 square feet, or turfgrass production acres of 250 or less: \$75.00
- (ii) Nursery stock (except turfgrass) production acres of 11 to 25, greenhouses with 6,000 to 30,000 square feet, or turfgrass production acres of 251 to 500: \$125.00
- (iii) Nursery stock (except turfgrass) production acres of 25 or more, greenhouses with more than 30,000 square feet, or turfgrass production acres of 501 or more: \$ 200.00

Growers who produce transplants or seedlings grown solely for the purpose of being distributed for production of agricultural commodities must complete Registration with the Department but are exempt from nursery registration fees. If Nursery Stock is grown in conjunction with the aforementioned category of plants, the Nursery will remain subject to the fee schedule of this section.

Hobbyist or backyard gardener mean any person selling nursery stock who has less than \$5,000 in gross sales per calendar year and are exempt from the fees required by registration, but will remain subject to all other requirements of this section. Hobbyist and backyard gardeners are required to produce sales records to the Department upon request.

The Forestry Commission and governmental and nonprofit organizations which are not in the business of commercial sale of nursery stock are exempt from the fees required by registration, but will remain subject to all other requirements of this section. All persons selling cut Christmas trees from November to January who are not otherwise required to adhere to this section are exempt from the requirements of this section.

**HISTORY: Added by State Register Volume 41, Issue No. 5, Doc. No. 4655, eff May 26, 2017.**

## **27-162. Nursery Dealer.**

### **A. Application**

A Nursery Dealer Certificate is required for any Nursery Dealer who buys certified nursery stock for resale in South Carolina with annual gross sales of \$5,000 or more, and any person who operates a sales lot separately from their nursery in South Carolina with annual gross sales of \$5,000 or more. The Nursery Dealer Certificate application requires a list of all nursery stock sources and all South Carolina sales locations. A separate Nursery Dealer Certificate is required for each sales location. Nursery Dealers with annual gross sales of less than \$5,000 may request a Nursery Dealer Certificate subject to approval by the Department. All Nursery Dealer Certificate application and inspection rules in this section still apply. Once all Nursery Stock Sources have been verified as being certified/licensed nurseries or dealers in their state of origin, a Nursery Dealer Certificate will be issued. Application must be made to the Department. All Nursery Dealers with a current Nursery Dealer Certificate will receive automatic renewal applications annually.

### **B. Inspection**

All Nursery Dealers holding a Nursery Dealer Certificate in South Carolina will be inspected, announced or otherwise, as deemed necessary by the Department. New Nursery Dealers in South Carolina, upon Nursery Dealer Certificate application approval, will be inspected by the Department within one year of the Nursery Dealer Certificate issuance date. Inspection must reveal that the Nursery Dealer possesses good environmental conditions and the Nursery Stock is sufficiently free from Plant Pests. Subsequent inspections, announced or otherwise, shall be performed to ensure compliance with these regulations, and to identify and monitor any Plant Pests. Should inspection reveal poor environmental conditions and/or Plant Pests at a level deemed unacceptable by the Department, the Nursery Dealer Certificate may be revoked until the situation is corrected per the guidelines of the Department.

### **C. Registration**

Any person operating a Nursery Dealer in South Carolina must register with the Department and produce sales records upon request. Nursery Dealer registration fees shall be on a graduated scale. All Nursery Dealer Certificates expire annually.

The following annual Nursery Dealer Registration fee schedule is in effect:

Nursery Dealer locations whose annual gross sales are \$5,000 or less: \$0.00.

Nursery Dealer locations whose annual gross sales are between \$5,000 and \$100,000: \$50.00

Nursery Dealer locations whose annual gross sales are over \$100,000: \$100.00

**HISTORY: Added by State Register Volume 41, Issue No. 5, Doc. No. 4655, eff May 26, 2017.**

## **27-163. Nursery Stock Shipment.**

### A. Nursery Certificate Tags Application

Nursery and Nursery Dealer shipments of nursery stock within South Carolina for resale or outside of South Carolina must have attached a Nursery Certificate Tag. Nurseries and Nursery Dealers must have a current Nursery Certificate or Nursery Dealer Certificate and meet all relevant State and Federal requirements as determined by the Department before applying for Nursery Certificate Tags. Application for Nursery Certificate Tags must be made to the Department.

### B. Nursery Certificate Tags Usage

A current Nursery Certificate Tag approved by the Department must accompany appropriate shipments including individual sales, invoices, and/or transactions. Nursery Stock shipped in packages must have the Nursery Certificate Tag placed on the exterior of each package. The usage of Nursery Certificate Tags for the shipment of Nursery Stock not meeting the requirements of this section is in violation of this section and punishable by law.

### C. Nursery Certificate Tags Acquisition and Cost

The Department provides two options for obtaining Nursery Certificate Tags.

1. Department-printing on a cost reimbursement basis. A price list may be obtained from the Department upon request.
2. Self-printing of Nursery Certificate Tags may be approved upon written request and all costs associated with will be at the expense of the Nursery or Nursery Dealer.

### D. Out of State Nurseries and Nursery Dealers

1. Out-of-state Nurseries shall not be required to attach a Department-issued Nursery Certificate Tag to shipments coming into this State, nor to file duplicate invoices of the nursery shipped (except **Prunus** spp. - see below) nor to pay a Registration fee, provided like privileges are accorded South Carolina nurserymen when making shipments into other states.

2. Each vehicle, package, box, bundle or container of nursery stock originating outside of South Carolina and being moved into South Carolina for customer delivery or for resale must have attached to it a valid Nursery Certificate Tag from the state or country of origin stating in effect that the nursery stock being moved has been inspected and certified by an authorized official as apparently free of Plant Pests. Any shipment of nursery stock entering South Carolina not accompanied by such a Nursery Certificate Tag shall be declared a public nuisance and may be returned to the shipper, treated, destroyed or otherwise disposed of by the Department. Any plants moving from outside of South Carolina, whether or not accompanied by a Nursery Certificate Tag, found infested with Plant Pests shall be declared a public nuisance and may be returned to the shipper, treated, destroyed or otherwise disposed of to the satisfaction of the Department.

3. Nurseries growing peach, nectarine, or other **Prunus** spp. Nursery Stock for shipment to commercial growers in South Carolina must, in addition to being certified apparently free of insects and diseases in their state or country of origin, also file or mail an invoice to the Department at the time of shipment showing the following information: (1) name and address of shipper, (2) producer of stock, if different from shipper, (3) date of shipment, (4) name and address of purchaser, and (5) name and address of receiver, if different from purchaser.

**HISTORY: Added by State Register Volume 41, Issue No. 5, Doc. No. 4655, eff May 26, 2017.**

## **27-164. Penalties.**

Any person who violates the provisions of these regulations shall become subject to a stop sale, use, or distribution order pursuant to 46-33-100 and shall be deemed guilty of a misdemeanor and upon conviction shall be punished pursuant to 46-9-90.

**HISTORY: Added by State Register Volume 41, Issue No. 5, Doc. No. 4655, eff May 26, 2017.**

**ARTICLE 13**  
**FERTILIZER BOARD OF CONTROL**

**27-174. Filler.**

1. That any inert filler which bears a color similar to recognized materials furnishing primary, secondary, minor, or trace nutrients is deemed and declared objectionable as a component of any mixed fertilizer, in that its use has the effect of deceiving the purchaser of the fertilizer and is in violation of § 46-25-540, Code of Laws 1976.

2. SCS, SCS 100 clays and yellow ocher are determined to be objectionable within the meaning of the above section. The enumeration of these inert filler materials shall not be considered to be exclusive of such materials that may be determined to be prohibited by the said section.

3. Fertilizer manufacturers may submit samples of any questionable inert filler materials to the Fertilizer Board of Control or its representative for a ruling as to whether its use is objectionable under this regulation.

**27-175. Plant Nutrients, Guarantees, Tolerances and Penalties.**

(Statutory Authority: 1976 Code § 46-25-710)

A. Nitrogen, phosphorus, potassium. A fertilizer guaranteed to contain one or more of the elements, nitrogen, phosphorus, potassium shall be deemed deficient if the analysis of nutrient is below the guarantee by an amount exceeding the values in the following schedule. The schedule is the investigational allowances shown in the Association of American Plant Food Control Officials Uniform State Fertilizer Bill (official 1982) plus three (3) percent of the guarantee. The fertilizer is also deemed deficient if the overall index value of the fertilizer is below 98 percent.

Guarantee percent	Nitrogen percent	Available Phosphoric Acid, percent	Potash percent
4 or less	0.50	0.79	0.53
5	0.66	0.82	0.58
6	0.70	0.85	0.65
7	0.75	0.89	0.74
8	0.79	0.92	0.84
9	0.84	0.95	0.92
10	0.88	0.99	1.00
12	0.97	1.05	1.15
14	1.05	1.12	1.29
16	1.15	1.18	1.42
18	1.24	1.25	1.55
20	1.33	1.32	1.68
22	1.41	1.62	1.81
24	1.50	1.45	1.93
26	1.59	1.51	2.05
28	1.67	1.58	2.17
30	1.76	1.65	2.29
32 or more	1.84	1.72	2.40

A fertilizer shall not be deemed deficient when the overall index value equals or exceeds 100 percent and no more than one primary nutrient is below the guarantee and if the deficiency does not exceed two units or 10 percent of the guarantee.

**B. Additional Plant Nutrients.**

(1) Registration and Guarantees. When mentioned in any form or manner, said additional plant nutrients, besides nitrogen, phosphorus, and potassium shall be registered and guaranteed. The sources of the elements guaranteed shall be shown on the application for registration.

(2) Deficiencies in Plant Nutrients Besides Nitrogen, Phosphorus and Potash. A deficiency tolerance amounting to 25% of the guarantee shall be allowed for elements not otherwise specified by law or regulation; provided that in no case shall the tolerance exceed 0.50%. ( 1/2 unit). For each deficiency in secondary or micronutrient element, a penalty of \$1.00 per ton, plus four times the commercial value of the shortage shall be paid to the ultimate user of the fertilizer.

(3) Boron (B) When Found Excessive. The following penalties will be assessed when the analysis found exceeds the guarantee by more than .1% boron (B).

- (a) Up to and including .028% boron \_\_\_\_\_ \$3.00 per ton
- (b) Exceeding .028% boron and including .057% boron \_\_\_\_\_ \$5.00 per ton
- (c) Exceeding .057% boron \_\_\_\_\_ \$10.00 per ton

C. [Deleted]

**HISTORY: Amended by State Register Volume 10, Issue No. 4, eff April 25, 1986.**

**Editor's Note**

Although the effective date of this regulation is shown as February 1, 1979 in paragraph C, under the Administrative Procedures Act, regulations become effective on the date of publication in the State Register in final form. This regulation was so published on April 27, 1979.

**27-176. Bulk Commercial Fertilizers.**

1. Warehouses for the storage of bulk commercial fertilizers (dry or liquids) will be listed by each registrant as subsidiaries of his plant operations. The registrants will be responsible for the entire operation, including an adequately built warehouse, proper labeling of bins or tanks and an adequate record-keeping system, all of which will be subject to approval by the Board or its authorized representatives.

2. The drivers of all bulk trucks or transports shall at all times have in their possession an invoice showing the name and county of the consignee, the analysis and tons or fraction thereof of the mixture. Where the transport contains more than one compartment, each compartment, shall be separately labeled as to the contents of same.

**27-177. Liquid Commercial Fertilizers, Sampling and Labeling.**

1. Each liquid commercial fertilizer stationary storage tank shall be equipped with a permanent sampling outlet, or some other outlet for sampling.

2. Each tank will be labeled to show the brand name, guaranteed analysis and name of the registrant.

**HISTORY: Amended by State Register Volume 10, Issue No. 4, eff April 25, 1986.**

**27-178. Maximum Chlorine in Fertilizers Branded for Tobacco.**

1. The maximum chlorine guarantee permitted in tobacco plant bed fertilizer shall be .50 percent for grades containing less than 12 percent nitrogen (N) and 1.50 percent for grades containing 12 or a greater percent of nitrogen (N).

2. The maximum chlorine guarantee permitted in regular field crop tobacco fertilizer shall be as follows:

Grades with K <sub>2</sub> Guarantee	Maximum Cl
12% and below .....	2%
13%-18% .....	3%
Above 18% .....	4%

**27-180. Minimum Screening, Calcium Carbonate Equivalent and Landplaster Standards.**

All agricultural liming materials shall be classified and labeled in terms of fineness and calcium carbonate equivalent with no less than the following minimum fineness and minimum calcium carbonate equivalent standards. All landplaster offered for sale or distribution shall meet minimum labeled guarantees for calcium and sulfur.

A. Standards for Classifications in Terms of Fineness

1. Pulverized

Mesh Screen	Minimum Guaranteed to Pass
20	95%
100	75%

## 2. Standard Ground

Mesh Screen	Minimum Guaranteed to Pass
10	90%
50	50%
100	25%

## 3. Coarse Ground

Mesh Screen	Minimum Guaranteed to Pass
10	90%
50	40%
100	25%

B. Standards for classifications in terms of calcium carbonate equivalent of agricultural liming materials.

Material	Calcium Carbonate Equivalent
Burnt lime	Not less than 140%
Hydrated lime	Not less than 110%
Shells	Not less than 85%
Limestone	Not less than 85%
Limestone (75% neutralizing value)	Not less than 75%
Industrial slag	Not less than 50%

### C. Minimum nutrient guarantees for Landplaster

The minimum labeled guarantees for Landplaster shall be 16% for Calcium and 13% for Sulfur.

**HISTORY:** Amended by State Register Volume 39, Issue No. 6, Doc. No. 4459, eff June 26, 2015.

## **27–181. Investigational Allowances or Tolerances and Penalties.**

A. A penalty shall be assessed when the found analysis indicates a deficiency of five percent (5%) or more of the guarantee for calcium carbonate equivalent. The registrant shall refund to the purchaser a penalty equal to two times the actual cash value of the deficiency based on the delivered retail price. The minimum penalty shall be \$1.00 per ton.

B. A penalty of \$1.00 per ton shall be assessed for each 5% or portion thereof decrease in the amount passing the 10 mesh screen below the minimum guarantee. A penalty of \$0.75 per ton shall be assessed for each 5% or portion thereof decrease in the amount passing the 50 mesh screen below the minimum guarantee. A penalty of \$0.50 per ton shall be assessed for each 5% or portion thereof decrease in the amount passing the 100 mesh screen below the minimum guarantee.

C. A penalty shall be assessed when the found analysis indicates a deficiency of ten percent (10%) or more of the guarantee for one or more of the following: Calcium or Magnesium. The registrant shall refund the purchaser a penalty equal to 2 times the relative commercial value of the deficiency.

D. In the case of landplaster, a penalty shall be assessed when the found analysis indicates a deficiency of five percent (5%) plus 0.2 units of the guarantees for sulphur and calcium. The registrant shall refund to the purchaser a penalty equal to two times the actual cash value of the deficiency based on the delivered retail price. The minimum penalty shall be \$1.00 per ton.

E. The term “unit” as described in Section 46–25–20 shall include any and every substance or mixtures of agricultural liming materials and landplaster.

**HISTORY:** Amended by State Register Volume 39, Issue No. 6, Doc. No. 4459, eff June 26, 2015.

## **27–182. Requirements for Distribution, Labeling and Sale of “Soil Amendments”.**

(Statutory Authority: Chapter 9, Title 46, 1976 Code)

### A. Definition of Terms

(1) For the purpose of this regulation, the term “commission” means the State Crop Pest Commission or an officer or employee of the commission to whom it delegates its authority. For the

purpose of the administration of this regulation the commission is represented by the Head of Department of Plant Industry (or duly designated successor).

(2) The term “soil amendment” as described in Section 46-25-20 shall include any and every substance or mixtures of: that is intended to improve the physical characteristics of the soil, except commercial fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, pesticides and other materials exempted by regulation.

(3) “Soil Ingredient Form” means the chemical compound such as salt, chelate, oxide, acid, etc., of an ingredient or the physical form of an ingredient.

(4) The term “Brand” means the term, designation, trade mark, product name or other specific designation under which individual soil amendments are offered for sale.

(5) The term “Bulk” means in nonpackaged form.

(6) The term “Distribute” means to import, consign, manufacture, produce, compound, mix, or blend soil amendments, or offer for sale, sell, barter, or otherwise supply soil amendments in this state.

(7) The term “Distributor” means any person who imports, consigns, manufacturers, produces, compounds, mixes, or blends soil amendments, or who offers for sale, sells, barter, or otherwise supplies soil amendments in this state.

(8) “Investigational Allowance” means an allowance for variations inherent in the taking, preparation and analysis of an official sample of soil amendment.

(9) The term “Label” means the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil amendment.

(10) The term “Labeling” means all written, printed, or graphic matter, upon or accompanying any soil amendment, or advertisements, brochures, posters, or television or radio announcements used in promoting the sale of such soil amendment.

(11) “Minimum Percentage” means that percent of active ingredient that must be present in a product before the product will be accepted for registration when mentioned in any form or manner.

(12) The term “Official Sample” means any sample of Soil Amendment taken by the board or its representatives and designated as “Official” by the board.

(13) “Other Ingredients” means the non-active ingredients present in soil amendments.

(14) The term “Percent” or “Percentage” means by weight.

(15) The term “Person” means individual, partnership, association, firm or corporation.

(16) The term “Registrant” means the person who registers soil amendments under the provisions of this regulation.

(17) The term “Active Ingredient” is the ingredient or ingredients which bring about the changes claimed as a result of the application of the product.

(18) The term “Ton” means a net weight of 2,000 pounds avoirdupois.

(19) The term “Weight” means the weight of material as offered for sale.

## B. Labeling

(1) “Soil Amendment Labels”—the following information shall appear on the face or display side in a readable and conspicuous form, and shall be considered the label:

(a) Net Weight

(b) Brand Name

(c) Guaranteed Analysis

Active Ingredients

Name of Ingredient—%

and continued until all soil amending ingredients are listed and percentages given.

Total percent of Other Ingredients.

(d) Purpose of Product

(e) Director for Application

(f) Name and Address of the Registrant

(2) No information or statement shall appear on any package, label, delivery slip or advertising matter which is false or misleading to the purchaser as to the use, value, quality, analysis, type or composition of the soil amendment.

(3) The board may require proof of claims made for any soil amendment. If no claims are made, proof of usefulness and value of the soil amendments may be required. For evidence of proof the board may rely on scientifically accepted, experimental data and evaluations. The experimental design shall be related to conditions applicable to South Carolina. The board may request assistance from the Director of the Clemson Experiment Station or the Director of the Cooperative Extension Service or persons under their supervision for interpretation of data and for advice of the acceptability of data. Scientific data from any source may be used by the board as a basis for acceptance or rejection of claims.

(4) No ingredient may be listed or guaranteed on the labels or labeling of soil amendments without the permission of the board. The board may allow an active ingredient or precise combination of active ingredients to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the board to substantiate the value and usefulness of the active ingredients or combination of active ingredients. When an active ingredient or precise combination of active ingredients is permitted to be listed or guaranteed it must be determinable by laboratory methods and is subject to inspection and analysis. The board may prescribe methods and procedures of inspection and analysis of the active ingredient. The board may stipulate by regulation, the quantities of the active ingredient or active ingredients required in soil amendments.

#### C. Registration

(1) Each separately identified product shall be registered before being distributed in this State. The application for registration shall be submitted to the board on the form furnished or approved by the board and shall be accompanied by a fee of \$50.00 per product. This fee will be forwarded by the board to the South Carolina State Treasurer. Upon approval by the board a copy of the registration shall be furnished to the applicant. All registrations expire on June 30 of the following year. Each manufacturer shall submit to the board a copy of labels and advertising literature with the registration request for each soil amendment.

(2) A distributor shall not be required to register any brand of soil amendment which is already registered under this regulation by another person, providing the label does not differ in any respect.

(3) Before registering any soil amendment the board may require evidence to substantiate the claims made for the soil amendment and proof of the value and usefulness of the soil amendment as in Section B (3) and B (4).

(4) The board may set the minimum amount of an active ingredient or amending ingredients that must be present before a soil amendment can be registered and sold.

(5) If the application for renewal of the soil amendment registration provided for in this section is not filed prior to July 1 of any one year, a penalty of \$10.00 shall be assessed and added to the original fee and shall be paid by the applicant before the renewal soil amendment registration shall be issued. PROVIDED, That such penalty shall not apply if the applicant furnished an affidavit that he has not distributed this soil amendment subsequent to the expiration of his prior registration.

#### D. Inspection Fee.

(1) There shall be paid to the board for all soil amendments distributed in this state an inspection fee of \$1.00 per ton.

(2) Every person who distributes a soil amendment in the state shall file with the board on forms furnished by the board quarterly statements for periods ending September 30, December 31, March 31, and June 30 setting forth the number of net tons of each soil amendment distributed in the state during such quarter. The report shall be due within 30 days following each quarter. Such statement shall be accompanied by a payment of the inspection fee at the rate of \$1.00 per ton.

(3) When more than one distributor is involved in the distribution of a soil amendment product, the last registrant who distributes to a nonregistrant (dealer or consumer) is responsible for

reporting the tonnage and paying the inspection fees unless the reporting and paying of fees have been made by a prior distributor of the soil amendment product. If the report is not filed or is filed falsely or the inspection fee is not paid within 30 days following each quarter, the board may revoke the registration of such persons and a penalty of \$5.00 per day for each subsequent day shall be assessed. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against such person which may be collected by the board in any court of competent jurisdiction without prior demand.

(4) The report required by this section shall not be a public record and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operations of a person making the report. PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of any person in any action, suit, or proceeding instituted under the authority of this chapter including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the head of the department.

#### E. Inspection, Sampling, Analysis.

(1) It is the duty of the board, who may act through its authorized agent, to sample, inspect, make analyses of, and test soil amendments distributed within the State at any time and place and to such an extent he may deem necessary to determine whether such soil amendments are in compliance with the provisions of this regulation. The board, individually or through its agent, is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to soil amendments subject to the provisions of the rules and regulations pertaining thereto, and to the records relating to their distribution.

(2) The methods of analysis and sampling shall be those adopted by the board from sources such as the Association of Official Analytical Chemists, or other sources acceptable to the board.

(3) The results of official analyses of soil amendments and portions of official samples shall be distributed by the board as provided in the regulations.

#### F. Penalties for Deficient Analysis.

(1) If the analysis shall show that any soil amendment falls short of the guaranteed analysis in any one soil amending ingredient or in total soil amending ingredients, a penalty shall be assessed in favor of the department in accordance with the following provisions:

(a) A penalty of three times the value of the deficiency if such deficiency in any one active ingredient is more than:

20% of the guarantee on any one soil amendment in which the soil amending ingredient is guaranteed up to and including 20%.

4% under guarantee on any one soil amendment in which the soil amending ingredient is guaranteed 20 and  $\frac{1}{10}$  percent and above.

(b) A penalty of three times the value of the total soil amending ingredients deficiency shall be assessed when such total deficiency is more than 2% under the calculated total soil amending ingredient guarantee.

(c) When a soil amendment is subject to penalty under both (1) and (2) above, only the larger penalty shall be assessed.

(2) All penalties assessed under this section shall be paid to the department within three months after the date of notice from the department to the registrant. The department shall transmit the amount of the penalty to the South Carolina State Treasurer.

(3) The penalties payable in (a) and (b) above shall in no manner be construed as limiting the consumer's right to bring a civil action in damage against the registrant paying said civil penalties.

(4) For the purpose of determining commercial values to be applied under the provisions of this section, the board shall determine from the registrant's sales invoice the values charged for the soil amending ingredients. If no invoice is available or if the invoice fails to provide sufficient information the board may use other methods to determine values. The values so determined shall be used in determining and assessing penalties.



G. Misbranding. No person shall distribute a misbranded soil amendment. A soil amendment shall be deemed to be misbranded if:

- (1) Its labeling is false or misleading in any particular, or
  - (2) If it is distributed under the name of another soil amendment, or
  - (3) If it is not labeled as required in Sections B and C of this regulation and in accordance with regulations, or
  - (4) If it purports to be or is represented as a soil amendment or represented as containing a soil amendment unless such soil amendment conforms to the definitions of identity, if any, prescribed by regulation of the board; in the adopting of such regulations, the board shall give due regard to commonly accepted definitions and official terms such as those issued by the Association of American Plant Food Control Officials, or
  - (5) If it does not conform to ingredient form, minimums, labeling, and investigational allowances in the regulations adopted by the board.
- H. Stop Sale. The board may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of soil amendment and may hold at a designated place when the board finds said soil amendment is being offered or exposed for sale in violation of any of the provisions of this regulation until the regulation has been complied with and said soil amendment is released in writing by the board, or said violation has been otherwise legally disposed of by written authority. The board shall release the soil amendment so withdrawn when the requirements of the provisions of the regulations have been complied with and all costs and expenses incurred in connection with the withdrawn have been paid.

I. Adulteration. No person shall distribute an adulterated soil amendment. A soil amendment shall be deemed to be adulterated if:

- (1) It contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plant, animal, or aquatic life when applied in accordance with directions for use on the label, or if adequate warning statements and directions for use, which may be necessary to protect plant, animal, or aquatic life are not shown upon the label, or
- (2) If its composition falls below or differs from that which it is purported to possess by its labeling, or
- (3) If it contains unwanted crop or weed seed, or primary noxious or secondary noxious weed seed.

J. Cancellation or Refusal of Registration. The board is authorized and empowered to refuse registration of any brand of soil amendment if he finds the brand of soil amendment violates any section of the rules and regulations. The board is authorized and empowered to cancel the registration of any brand of soil amendment upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of any rules or regulations promulgated thereunder: PROVIDED, That no registration shall be revoked until the registrant shall have been given the opportunity to appear for a hearing by the board.

K. The effective date is February 1, 1979.

**HISTORY: Amended by State Register Volume 30, Issue No. 6, eff June 23, 2006.**

**Editor's Note**

Although the effective date of this regulation is shown as February 1, 1979 in paragraph K, under the Administrative Procedures Act, regulations become effective on the date of publication in the State Register in final form. This regulation was so published on April 27, 1979.

**27-183. Registration Revoked When Plant Nutrient Deficiencies Are Excessive.**

(Statutory Authority: 1976 Code § 46-25-250)

When the number of fertilizer samples taken from fertilizer sold by a registrant or a particular plant operated by a registrant is found to be deficient by more than 20 percent of the total samples taken during a fiscal year, the registrant will be considered for probation. If unusual circumstances contribute to the high incidences of deficiencies, probation may be deferred and a warning will be given. In the year following probation, the registrant will notify the Department of Fertilizer Inspection and Analysis when the plant will be in operation to give inspectors an opportunity to samples no less

than 30 lots. If the ownership of a plant where 20 percent or more of the samples has been found to be deficient has been transferred, the plant is still considered to be under probation.

In this trial year, if more than 20 percent of samples taken are found to be deficient beyond the investigational allowance, the registrant will be given a hearing. If the registrant cannot show cause as to why registration should not be revoked or refused, the registrant or plant will not be granted registration or license.

A registrant who has had registration revoked for conditions described in this rule may apply for reinstatement of registration after a period of not less than 90 days by presenting in writing to the Board documentary evidence of corrective action which will reduce the number of deficiencies.

**HISTORY:** Added by State Register Volume 10, Issue No. 4, eff April 25, 1986.

## **27-184. Sampling.**

(Statutory Authority: 1976 Code § 46-25-710)

Sampling equipment and procedures shall be those adopted by the Association of Official Analytical Chemists wherever applicable. Minor departure from those procedures may be authorized by the Board or its duly authorized agent.

**HISTORY:** Added by State Register Volume 10, Issue No. 4, eff April 25, 1986.

## **27-185. Analysis.**

(Statutory Authority: 1976 Code § 46-25-710)

Methods of analysis shall generally be those adopted by the Association of Official Analytical Chemists. In cases not covered by such methods, or in cases where methods are not available in which improved applicability has been demonstrated, the Board or its duly authorized agent may adopt such appropriate methods.

**HISTORY:** Added by State Register Volume 10, Issue No. 4, eff April 25, 1986.

### **ARTICLE 14**

#### **SEED CERTIFICATION STANDARDS**

## **27-190. General Certification Standards.**

(Statutory Authority: 1976 Code § 46-21-20)

In order to qualify as a seed certifying agency for purposes of section 101(a)(24) of the Federal Seed Act (7 U.S.C. 1551) the Department of Fertilizer & Seed Certification Services of Clemson University, hereinafter referred to as the Seed Certification Department, enforces standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in sections 201.68-201.78 of Federal Seed Act Regulations.

The following are the minimum standards required for the certification of seed and vegetative propagating material for genetic purity and identity by the Seed Certification Department. This seed certification program shall cover planting stocks of varieties\*, hybrids, multi-lines, synthetics, etc. produced, conditioned, sampled, tested and labeled in accordance with the standards of the Seed Certification Department.

### Crops Without Published Standards

In the case of crops for which no standards have been published in South Carolina, standards of the Federal Seed Act or the Association of Official Seed Certifying Agencies (AOSCA) shall apply. If no Federal or AOSCA standards have been published for the crop, standards of an AOSCA member agency certifying the crop will be used until South Carolina Standards are published.

#### **I. Classes of Seed Recognized and Definition of Terms**

A. Breeder Seed is seed or vegetative propagating material directly controlled by the originating or sponsoring plant breeding institution, firm, or individual, and is the source for the production of the other classes of certified seed.

\* In some cases certification will be as to kind, on an interim basis; for example, where varieties have not been developed.

B. Foundation Seed is a class of certified seed which is the progeny of Breeder or Foundation seed or vegetative propagating material produced and handled to maintain genetic purity and identity, as outlined for Foundation seed in the standards of the Seed Certification Department.

C. Registered Seed is a class of certified seed which is the progeny of Breeder or Foundation or vegetative propagating material produced and handled to maintain genetic purity and identity as outlined for Registered seed in the standards of the Seed Certification Department.

D. Certified Seed is a class of certified seed which is the progeny of Breeder or Foundation or Registered seed or vegetative propagating material produced and handled to maintain genetic purity and identity as outlined for Certified seed in the standards of the Seed Certification Department.

E. Variety—The term variety (cultivar) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture and which, when reproduced (sexually or asexually) or reconstituted, retain their distinguishing features.

F. Off-type—a plant or seed not part of the variety in that it deviates in one or more characteristics from that which has been described by the breeder as being usual for the strain or variety.

G. Hybrid—The term “hybrid” applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. “Controlling the pollination” means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

H. Open-pollination—The term “open-pollination” means pollination that occurs naturally as opposed to controlled pollination, such as by detasselling, cytoplasmic male sterility, self-incompatibility or similar processes.

I. Lot of Seed—a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling.

J. Purity—the name of the kind, type or variety and the percentage thereof; the percentage of other crop seed; the percentage of weed seeds; the percentage of inert matter; and the names of the noxious weed seeds and the rate of occurrence of each.

K. Conditioning—the various procedures involved in the mechanical handling of seed after harvesting to prepare the seed for marketing.

L. Variants—seed of plants which are (a) distinct within the variety but occur naturally within the variety, (b) stable and predictable with a degree of reliability comparable to other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted and (c) which were a part of the variety as originally released. Variants are not to be considered off types.

M. Label—the term label as used herein shall be defined as an attachment to or printed area of a seed container which contains product identity and quality information as required by these standards and the SC Seed Law.

## II. Eligibility Requirements for Certification of Varieties

A variety shall be eligible for certification in South Carolina only if it has been approved as meriting certification by the Seed Certification Department or one other agency which is a member of AOSCA, or by an appropriate national variety review board. The originator, developer, owner or agent must provide the following information when eligibility for certification is requested (this information may be submitted on forms provided by the Seed Certification Department or on an application for US Plant Variety Protection):

A. The name of the variety. This name must be the established name if the variety has previously been marketed.

B. A statement concerning the variety's origin and the breeding procedure used in its development.

C. A detailed description of the morphological, physiological and other characteristics of the plants and seed that distinguish it from other varieties, including variants and the frequency expected within the variety.

D. Evidence of performance of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.

E. A statement delineating the geographic area or areas of adaptation of the variety.

F. A statement on the plans and procedures for the maintenance of seed classes, including the number of generations through which the variety may be multiplied.

G. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.

H. Any additional restrictions on the variety, specified by the breeder, with respect to geographic area of seed production, age of stand or other factors affecting genetic purity.

I. A sample of seed representative of the variety as marketed.

Upon approval of a variety for certification, a detailed description of the identifiable characteristics of the variety shall be supplied the Secretary of AOSCA by the Seed Certification Department. The Secretary of AOSCA shall make this description available to other certifying agencies to enable certification of the variety in their states.

### III. Limitations of Generations

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating or sponsoring breeder or owner of the variety and shall not exceed two generations beyond the Foundation seed class with the following exceptions:

A. Re-certification of the Certified class may be permitted for older varieties where Foundation seed is not being maintained.

B. The production of an additional generation of the Certified class only may be permitted on a one-year basis, when an emergency is declared by the certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of the variety. The permission of the originating or sponsoring plant breeder, institution, firm or owner of the variety, if existent, must be obtained. The additional generation of certified seed to meet the emergency need is ineligible for re-certification.

### IV. Application for Certification

A. All persons who desire to have seed certified in S.C. must file applications with the Seed Certification Department. Application blanks are available from the Seed Certification Department, County Extension Service offices or Vocational Agriculture Teachers.

#### B. Establishing the Source of Seed.

In order to establish the source, class and quantity of seed used to plant each crop to be considered for certification, the applicant must submit with the application an invoice or bill of lading and one label from each lot of seed planted. In cases where growers plant eligible seed from their own production, lot numbers for the seed stock used must be provided with the application to allow for verification that an acceptable analysis report is on file with the Seed Certification Department. The applicant's signature on the application for certification is affidavit that the information submitted for verification of seed eligibility represents the total amount of seed used.

#### C. Certification Charges and Dates for Filing Applications.

Completed applications with accompanying seed documentary evidence specified in section B should be filed with the Seed Certification Department by the appropriate dates specified on the application and should be accompanied with applicable fees as indicated on the certification application form.

#### D. Late Application Fee

If an applicant fails to file application within 15 days of the deadline date for filing an application for certification of a crop, a late application fee plus an extra charge per acre will be added to regular certification charges.

## E. Canceling Applications

To receive a full refund of all charges related to the application, applicants desiring to cancel applications for certification must inform the Seed Certification Department in sufficient time to notify the field inspector. If the inspector cannot be notified in time to prevent an unnecessary trip to the farm, the farm fee indicated on the application will be assessed.

## V. Production of Seed

### A. Maintenance of Genetic Purity and Identity

1. The applicant for certification shall be responsible for maintaining genetic purity and identity at all stages of certification including seeding, harvesting, storage, conditioning and labeling of the seed. Failure of the applicant to maintain genetic purity and identity at any stage of certification shall be cause for rejection of the crop for certification.

2. The applicant's signature on the application for certification is affidavit of the following:

a. That all equipment involved in planting, harvesting or other handling will be adequately cleaned to maintain genetic purity and identity of the seed.

b. That only the seed verified as the eligible seed source on the application was planted in the field(s) described on the application.

c. That the identity of the seed will be maintained from harvest to the time it leaves the applicant's possession through the use of an identification system as indicated in this section, F and section VI, B, 2.

### B. Unit of Certification

The unit of certification shall be a clearly defined area, which may be divided subject to specific crop standards.

### C. Field Inspection

One or more field inspections shall be made each time a seed crop of any certified class is to be harvested and when genetic purity and identity or any other factor affecting seed certification can best be determined. The field shall be in such condition to permit an adequate inspection to determine genetic purity and identity. Weeds present in any field to the extent that genetic purity determination is not possible shall be sufficient cause for rejection of that field.

### D. Re-inspection of Rejected Fields

If a grower desires re-inspection of a rejected field, he must notify the Department when deficiencies have been corrected. The cost of re-inspections shall be another farm fee and inspection fee. Another farm fee will not be charged on a re-inspection if a re-inspection can be performed in conjunction with other first-time inspection work on later maturing varieties, etc.

### E. Seed-Borne Diseases and Seed Treatment

Every field for which certification is requested shall show evidence that reasonable precaution has been taken to control seed-borne diseases. The field at time of inspection shall not contain injurious seed-borne plant diseases beyond established tolerances specified in the individual crop seed standards. New diseases may create a need for new standards before they can be published. In such situations, the Seed Certification Department shall impose such standards as are deemed to be in the best interest of S. C. Certified seed. When seed of a variety without resistance to a seed-borne disease has been subjected to possible infection by the disease, it is desirable that such seed be treated with a recommended seed treatment.

### F. Inspection of Harvested Seed.

Harvested lots of seed from inspected fields may be inspected at any time by representatives of the Seed Certification Department. Evidence that any lot of seed has not been protected from contamination which affects genetic purity, or is not properly identified, shall be cause for rejection of the seed for certification. Bins and other storage facilities must be labeled or marked to indicate crop, variety and class. Office records on identification of seed in storage must indicate variety, class, grower, approximate quantity and storage locations.

### G. Producer's Estimate of Production

After an applicant's fields have passed inspection and have been harvested he will be furnished a form by the Seed Certification Department on which he must report his estimate of production. This information must be on file with the Seed Certification Department before certification tags will be issued.

#### H. Bulk Shipment of Certified Seed for Conditioning.

When any class of certified seed is being transported in bulk for conditioning, the form Shipping, Receiving and Conditioning Report for Bulk Seed must be completed and filed with the Seed Certification Department. This form identifies the certifying agency, the crop and variety, class of seed, lot number, quantity, conditioner, etc. This form is also to be used to record change of ownership of seed.

### VI. Conditioning of Seed

A. All seed to be certified in South Carolina must be conditioned at facilities which are inspected and approved for conditioning certified seed. The seed may be conditioned by the grower on his own equipment or by an approved custom or commercial conditioner provided inspections by the Seed Certification Department determine that genetic purity and identity can be maintained during all handling of certified seed at the facility including storage, conditioning and labeling.

B. Conditioners of all classes of certified seed shall meet the following requirements:

1. Facilities must be available that can condition seed without introducing admixtures. The conditioner shall be responsible for proper cleaning of facilities to prevent contamination of certified seed delivered for conditioning.

2. Identity of the seed must be maintained at all times.

a. Certified seed being delivered for conditioning must be adequately identified by the grower. All unconditioned certified seed stored in bins or other areas on the premises must be labeled or marked to indicate variety and class.

b. At the time of bagging of conditioned certified seed, each bag of seed shall have permanently marked on it the variety and lot number. The use of a stencil or stamp is recommended but any means of permanently marking bags is acceptable. Once marked on the bag, a lot number may not be removed or marked out and another lot number substituted for it.

c. Each bin or container of bulk conditioned seed which is ready for sale or which is being transferred to storage for sale must be labeled with the form "S.C. Bulk Registered or Certified Seed Label and Inventory" which must be obtained from the Seed Certification Department.

3. Records of all operations relating to certification must be complete and adequate to account for all incoming seed and final disposition of seed.

4. Conditioners shall permit inspection by the Seed Certification Department of all records pertaining to certified seed.

5. Conditioners shall designate an individual who shall be responsible for performing the duties required by the Seed Certification Department.

C. Seed Lots of the same variety and seed class may be blended and the seed class retained. If lots of different classes are blended, the lowest class shall be applied to the resultant blend. Such blending can only be done when authorized by the Seed Certification Department.

D. The Seed Certification Department shall have the authority, without prior notice, to inspect facilities used to condition certified seed to determine that the facilities and handling of the seed comply with the requirements of section VI, Conditioning of Seed. Any conditioner who fails to meet these requirements shall forfeit his right to condition certified seed until deficiencies are corrected.

E. If South Carolina certification tags are to be issued on seed which was field-approved in South Carolina but is to be conditioned in another state the conditioner must supply the Seed Certification Department proof of conditioning plant approval by the seed certifying agency of the state in which the plant is located.

## F. Approved Conditioners

1. Conditioners who desire to condition certified seed for other growers in South Carolina must apply annually for Approved Conditioner classification. Conditioners desiring to apply for Approved Conditioner classification for the first time should request application blanks from the Seed Certification Department.

2. Inspections. Plants applying for Approved classification will be inspected at least once annually with the times of inspections to be at the discretion of the Seed Certification Department and without prior notification to the conditioner. Approved conditioner classification shall remain in effect for one year providing subsequent inspections do not disclose deficiencies which result in loss of the classification. If, during inspection, deficiencies are noted that prevent the facility from being granted the Approved classification, the owner will have 30 days to correct the deficiencies before losing the Approved classification. Consideration will be given to correction of deficiencies that would require more than 30 days because of need for mechanical or engineering changes. If Approved status is lost as the result of deficiencies not corrected, re-instatement must be accomplished by filing a new application and paying another inspection fee. At the end of the year during which a facility has retained its Approved status the Seed Certification Department will notify the conditioner of the need to file an application for renewal of Approved classification.

3. Inspection Fee. The annual fee for Approved conditioner classification shall be payable at the time application is filed. The fee will cover all inspections for one year if, during the course of the year's inspections, the facility retains its Approved classification. If a facility loses its Approved classification as the result of deficiencies noted during inspections and the conditioner desires to correct the deficiencies and request reinstatement to Approved status, he must file a new application and pay the fee again.

### 4. Listing of Approved Conditioners

The Seed Certification Department shall publish semiannually and mail to seedsmen and growers the list of Approved Certified Seed Conditioners in South Carolina. When a facility loses Approved status, all certified seed growers who are using the facility will be notified of the need to arrange for conditioning elsewhere until the facility regains Approved status.

### 5. Loss of Approved Conditioner Classification

Loss of Approved conditioner classification may result from:

a. Failure to meet conditioning requirements of this section, VI. Conditioning of Seed. Under these circumstances re-instatement of the Approved classification may be accomplished as indicated under F. 3. Inspection Fee.

b. If, during any year in which a conditioner is classified Approved, more than ten percent (10%) of the samples of his certified seed are found out of tolerance in a percentage of purity, inert matter, weed seed or other crop seed, he will forfeit the Approved classification for no less than one year. This applies to all classes of certified seed on which the conditioner's name appears as seedsmen on the certification label or Bulk Conditioned Seed Sale Certificate for S.C. Registered or Certified Seed. Analyses of samples of certified seed conditioned for other growers shall be the basis for application of this standard to the conditioner who conditions no certified seed for himself. Determination of samples out of tolerance will be based on analyses of a combination of the samples of certified seed obtained by Seed Certification Department and S. C. Department of Agriculture inspectors as compared to analysis labels on the seed. No conditioner shall have his Approved classification withdrawn on the basis of analyses of less than fifty (50) samples annually unless the number of samples found out of tolerance at the end of the year exceeds five (5), (10% of 50). When less than fifty (50) samples of a conditioner's certified seed are drawn annually by Seed Certification and S. C. Department of Agriculture inspectors, and the number of samples found out of tolerance during the year has not exceeded five (5), the percentage of samples out of tolerance will be determined when fifty (50) such samples have been drawn and analyzed.

Should loss of Approved Conditioner classification be appealed to the Seed Certification Department and not be resolved amicably, the complainant may appeal to the Clemson University Board of Trustees. In which case, the Chairman of the Board will appoint a committee with Board

representation and representative members of the seed industry to study the matter and make recommendations to the Board.

VII. Lot Size, Sampling, Seed Testing

A. The maximum quantity of seed permitted per lot and size of sample required for a purity and germination test is as follows:

<u>CROP</u>	<u>MAXIMUM LOT SIZE</u>	<u>SAMPLE SIZE</u>
Clover	500 bags or 25,000 lbs.	5 oz.
Corn	500 bags or 25,000 lbs.	2 lb.
Cotton	500 bags or 25,000 lbs.	2 lb.
Fescue	500 bags or 25,000 lbs.	5 oz.
Lespedeza	500 bags or 25,000 lbs.	5 oz.
Okra	200 bags or 10,000 lbs.	4 oz.
Cowpeas	500 bags or 25,000 lbs.	2 lb.
Peanuts	500 bags or 25,000 lbs.	2 lb.
Small Grains:		
Barley	24,000 lbs.	2 lb.
Oats	32,000 lbs.	2 lb.
Rye	28,000 lbs.	2 lb.
Triticale	24,000 lbs.	2 lb.
Wheat	30,000 lbs.	2 lb.
Soybeans	30,000 lbs.	2 lb.

Note: Varietal purity determination is not possible on seed which has been treated with some pesticides. If a pesticide is to be used which coats or colors the seed, a sample of the conditioned, untreated seed must be submitted for purity analysis and a sample of the conditioned, treated seed must be submitted for the germination test.

B. Sampling of conditioned seed for certification may be accomplished by any of several approved methods but the primary consideration should be that the sample is as representative of the seed as possible. The signature of the applicant for certification is affidavit that he and the conditioner of his seed are familiar with and will draw samples for certification in accordance with one of the following approved sampling methods:

1. If seed is sampled during conditioning, the most representative sample can be obtained with an automatic sampling device in the flow of conditioned seed or by taking a small portion of seed by hand from the top of each bag before it is closed. When conditioning of a lot is complete (see maximum lot size, item A) the seed taken from each bag should be thoroughly mixed and a sample of the seed required for testing (see size of sample required, item A) taken from this seed.

2. If seed is sampled after conditioning and closing of bags, a probe or trier long enough to reach all areas in the bag shall be used for free flowing seed. When sampling closed bags in quantities of one to six bags, a sample shall be composed of a core from each bag for a total of at least five cores for each sample. For lots of more than six bags, sample five bags plus at least 10% of the number of bags in the lot. Regardless of lot size, it is not necessary to sample more than thirty bags.

3. If seed is sampled after conditioning and is to remain in bulk, it shall be sampled by inserting a long probe into the seed at well distributed points throughout the bulk. Sufficient seed must be obtained from the bulk conditioned seed to provide the same number of samples required from the seed as if it were being bagged. (See VII. A.).

4. Note: Federal Seed Act Regulations require maintenance of a complete record on each lot, including a sample representing each lot transported or delivered for transportation in interstate commerce. Records and sample are to be kept for three (3) years, except that any sample may be discarded one (1) year after the entire lot has been disposed of by the person transporting or delivering the seed for transportation in interstate commerce.

It is advisable to retain a sample regardless of where the seed is sold.



C. The Seed Certification Department and its designated representatives shall have the authority, without prior notice, to sample conditioned certified seed while the seed is on the premises of or remains the responsibility of the seedsman whose name appears on the certification tags or bulk sale certificate.

The producer or conditioner, depending on location of the seed, is expected to stack and store conditioned certified seed to permit reasonable access for random sampling of the lots available in accordance with procedure outlined in B. 2 and 3 of this section of standards. "Reasonable access" as used herein is interpreted as being afforded access to sample at random a representation of the lots of certified seed in a warehouse or other facility without causing undue inconvenience to the conditioner or producer.

D. The South Carolina Department of Agriculture (SCDA) is designated by law as the only official laboratory for testing certified seed samples in South Carolina. Certified seed tags or bulk sale certificates will be issued only on the basis of "Official Sample" tests by the SCDA.

1. Each applicant whose fields meet certification standards will be furnished "Official Sample" stickers which must be attached to certified seed samples submitted to the SCDA for testing. The detailed "Official Sample" analysis must be performed on certified seed samples to determine that seed standards of the certification program are met.

2. Analyses performed on more than one sample taken from a given quantity of seed, without some form of reconditioning (re-cleaning, treating, etc.) shall be averaged to determine acceptance or rejection of the seed for certification.

3. Note: It is a violation of the S.C. Seed Law to offer seed for sale or distribution before it has been analyzed in accordance with the provisions of the S. C. Seed Law.

#### VIII. Grow-Out Tests

As an additional check on the effectiveness of the certification program, the Seed Certification Department will routinely sample conditioned certified seed and plant the seed to determine that seed purity is being maintained and that producers or conditioners are sampling seed properly. In all cases where possible, grow-out plantings of these samples will be planted immediately adjacent to plantings from samples of the same lots which producers or conditioners submitted to the S.C. Department of Agriculture Seed Laboratory for purity and germination tests. Plantings from these two samplings of the same lot of seed will be expected to vary little when planted side by side. Obvious variation will be interpreted as failure of the producer or conditioner to obtain a representative sample of the lot. In such cases the producer or conditioner will be notified of the need to implement measures to insure representative sampling. Failure of a producer or conditioner to implement measures to insure representative sampling of lots will result in loss of the privilege to produce or condition certified seed until necessary corrective measures are taken.

#### IX. Labeling

##### A. Bag and Bulk Bin Labels

1. All classes of certified seed offered for sale shall have the official certification tag or bulk bin label properly affixed to each bag or container except for vegetable seeds in containers of 5 pounds or less, for which the labels need not bear the name of the kind and variety, provided the name of the kind and variety is shown elsewhere on the containers. Even if all standards have been met, seed will not be considered certified unless properly labeled.

All information the grower is required to provide to complete certification must be on file with the Seed Certification Department before certification tags or bulk bin labels will be issued.

2. The certification tag or bulk bin label attached to each bag or container serves as evidence of the genetic purity, identity, mechanical purity and germination of the seed contained therein. The following colors of tags shall be used to designate classes of seed:

- a. White for Foundation class.
- b. Purple for Registered class.
- c. Blue for Certified class.

3. Certification tags or bulk bin labels must be obtained from the Seed Certification Department.

Proper attachment of tags or bulk bin labels shall be the responsibility of the person for whom the seed is being certified. Tags must be attached only to the lot of seed actually sampled and tested and for which the tags or bulk bin labels were specifically issued. The lot number on the tag must be the same as the lot number on the bag. (see VI. B. 2 [b])

When requested, certification tags will be issued prior to conditioning provided the grower realizes that the S.C. Seed Law requires testing of the seed before it can be offered for sale or distribution. If certification tags are attached to seed during conditioning but the seed, when analyzed, does not meet certification standards, the tags must be removed and returned to the Seed Certification Department.

If certified seed is sampled in the seed trade by the S.C. Department of Agriculture and a STOP ORDER is issued against the seed, the certification tags must be removed and returned to the Seed Certification Department.

4. The certification tag shall be attached to the container in a manner which prevents easy removal and reattachment.

a. With fabric bags or open top paper bags it is recommended that the tag be sewn on, or in the top of the bag.

b. With valve filled paper bags and plastic bags or containers (including metal) it is recommended that the labels be glued to the container with an adhesive which prevents removal without destroying the label.

c. The label may be printed directly on the container, if control of such containers can be maintained by the certifying agency.

d. Closing of paper, plastic, and metal containers will vary. The most satisfactory method is that of cementing the closure with an adhesive (glue, pressure-sensitive, thermo-plastic, etc.) which prevents entry to the container without leaving noticeable evidence of such tampering. Cementing the certification label over the enclosure is recommended where practicable.

5. If reconditioning of a lot of certified seed becomes necessary for any reason, certification tags attached to it may not be reused.

#### B. Bags

1. All classes of Certified seed offered for sale shall be bagged in official certification bags or in bags approved by the Seed Certification Department. It is desirable that bags other than official certification bags bear a brand name or emblem. Only new bags may be used for all classes of certified seed.

2. When seed is bagged in official certified bags but found not meeting certification standards when analyzed, the seed must be re-bagged in non-certified bags, or the bag must be defaced to the extent that all mention of certification, the Seed Certification Department and Clemson University is obliterated.

Official Note: It is a violation of the SC Seed Law to offer for sale or distribution in official certification bags and bearing no official certification label, seed that fails to meet SC Certification Standards.

#### X. Sale of Conditioned Seed in Bulk

A. Conditioned S. C. Registered and Certified classes of small grain or soybean seed may be sold in bulk by growers who are Approved S.C. certified seed conditioners or growers with their own conditioning equipment.

B. All field and seed standards applying to bagged seed shall apply to bulk Registered and Certified seed.

C. Only one sale of bulk Registered or Certified seed is permitted.

D. Each bin or container of bulk conditioned seed which is ready for sale or which is being transferred to storage for sale must be labeled with a "S.C. Bulk Registered or Certified Seed Label and Inventory" form. This form must be obtained from the Seed Certification Department. One copy is to be attached to the bin or container, one copy is to be maintained by the Conditioner in his files and one copy is to be provided the Seed Certification Department.

E. Whenever a sale is to be made from bulk conditioned seed, a copy of the form Bulk Conditioned Seed Sale Certificate for S. C. Registered or Certified Seed must be obtained from the Seed Certification Department, completed, signed and issued to the purchaser to accompany the seed at the time of purchase. One copy must be retained in the conditioner's files and one copy must be mailed to the Seed Certification Department.

F. Conditioned seed to be sold in bulk must be sampled in accordance with sampling procedure specified in VII. B. 3.

#### XI. Substandard Seed in Emergencies

It is recognized that in emergency situations caused by such things as adverse weather conditions, certain lots that would be needed to provide an adequate seed supply would be lost if regular certification standards were enforced. Under such circumstances, seed failing to meet certification standards other than those affecting genetic purity, may be certified when approved by the Seed Certification Department, provided there is no injury to the reputation of certified seed. The certification tag or bulk bin label attached to such seed shall clearly show in what respect the seed does not meet certification standards. Substandard labeling provisions will be invoked only when warranted by the condition of an entire crop, variety of class of seed.

#### XII. Complying with Federal and State Seed Laws

Responsibility for any obligations arising from the sale or shipment of certified seed rests with the grower or subsequent handler making the sale or shipment. Responsibility for compliance with the seed labeling requirements of the country, state or province into which certified seed is shipped rests with the seller.

#### XIII. Grower or Vendor Responsibility

A. The grower or vendor whose name appears on the certification tag or bulk sale certificate guarantees to the first buyer that the seed to which the tag is attached or which the bulk sale certificate accompanies is a part of the lot designated on the tag or bulk sale certificate and is a part of the lot(s) of seed represented by samples which have met all requirements for certification.

B. Responsibility for compliance with certification requirements for seed to which a certification label or bulk sale certificate is attached, and responsibility for proper use of certification labels for bulk sale certificates rests, in all cases, with the seedsman whose name appears on the label or bulk sale certificate.

#### XIV. Producer Records

It is the responsibility of each grower of certified seed to maintain an accurate record of all sales including the name of purchaser and address, lot numbers, amount and date. The Seed Certification Department has the right to call for specific sales records and will periodically conduct random examinations of sales records. Failure to supply such records, when requested, or failure to give satisfactory reasons for being unable to supply such records, shall forfeit a grower's privilege to produce certified seed.

#### XV. Interagency Certification

A. Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed. South Carolina Seed Certification Standards or comparable standards of other official seed certifying agencies must be met if the Seed Certification Department is to issue interagency certification tags. This includes the requirement that all certified seed to be tagged by the Seed Certification Department must be analyzed by the S. C. Department of Agriculture Seed Testing Laboratory.

B. Only those varieties declared eligible for certification by the Seed Certification Department or another Official Seed Certifying agency will be eligible for interagency certification in South Carolina.

C. Seed to be recognized for interagency certification must be received in containers carrying official certification labels, or if shipped for conditioning, carry evidence of its eligibility from another official certifying agency, together with the following information:

1. Variety (if certified as to variety) and kind
2. Quantity of seed (pounds or bushels)

- 3. Class of seed
- 4. Inspection or lot number traceable to the previous agency's records.

D. Interagency certification tags shall carry the certification identification number and clearly identify the certifying agencies involved, the variety, the kind and class of seed except for vegetable seed in containers of 5 pounds or less for which the labels need not bear the name of the kind and variety and agencies involved provided the name of the kind and variety and agencies involved are shown elsewhere on the containers.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 9, Issue No. 5, eff May 24, 1985; State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

**27-195. Vegetatively Propagated Forage Grass Certification Standards.**

I. Application of General Certification Standards

A. The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

B. The General Standards are modified as follows:

Classes of Seed Recognized (I)

Fields planted with Foundation or Registered sprigs may be eligible for the production of sprigs. Seed production by all generations must be prevented.

- a. Foundation sprigs shall be the initial transplants from breeder vegetative propagating material.
- b. Registered sprigs shall be the initial transplants from Foundation sprigs.
- c. Certified sprigs may be the initial transplants from either Foundation or Registered sprigs.

II. Land Requirements

A field to be eligible for the production of all certified classes of sprigs must be inspected prior to planting and found free of other strains of the same species or other objectionable species.

III. Field Inspection

An inspection shall be made during the growing season at a time when it is possible to identify any other perennial grasses and/or strains or objectionable weeds that may be present.

IV. Field Standards

A. General

1. Unit of Certification

The entire acreage at the time of inspection must be inspected as a unit from a map showing the exact specifications and permanent location of the field.

2. Isolation

A field to be eligible for certification must be isolated from any other perennial grass by a barrier that will prevent encroachment or mechanical mixing during harvest.

B. Specific

	<i>Maximum permitted in 1000 square feet</i>		
	<i>Foundation</i>	<i>Registered</i>	<i>Certified</i>
Other Varieties	None	1	3

V. Plant Stock Standards (Percentages to be Determined by Count)

Pure living sprigs (minimum by count) .....	90.0%
Other living plants (maximum by count) .....	2.0%
Total objectionable weeds (maximum) .....	None
Noxious weeds (maximum) .....	None

VI. The producer of all classes of vegetatively propagated pasture grasses shall furnish the first purchaser a document indicating class of sprigs, quantity, and date of digging.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

## 27–196. Vegetatively Propagated Turf-grass Certification Standards.

### I. Application of General Certification Standards

A. The General Certification Standards, Clemson University Regulation 27–190, are basic and applicable.

The following specific standards constitute the standards for certification of vegetatively propagated turf-grasses including bermuda-grass, centipede, zoysia, St. Augustine and seashore paspalum.

B. The General Standards are modified as follows:

1. Foundation Turf—shall be the vegetative increase of Breeder or Foundation turf.
2. \* Registered Turf—shall be the vegetative increase of Foundation turf.
3. Certified Turf—shall be the vegetative increase of Foundation or Registered turf.
4. Life of Stand: The life of the stand will continue for all classes of vegetatively propagated turf grasses as long as the varietal and mechanical purity for the class is maintained.

\* A grower of Registered turf may increase his acreage of Registered turf from his own production provided the increase is adjacent and planted on land under the control of the grower. The size of such increase is not to exceed a total of ten (10) additional acres.

### II. Land Requirement.

A. A field to be eligible for the production of Foundation, Registered or Certified turf must be free of contaminating grasses, weeds and other crops.

B. Land for production of Foundation or Registered sod shall be fumigated with a recommended soil fumigant.

C. A field to be eligible for the production of Foundation, Registered, or Certified sod may be thoroughly treated with a recommended soil fumigant and left undisturbed for three weeks, at which time an official inspection shall be made to determine if the land is free of perennial grasses. Soil conditions should be favorable for seed germination and active plant growth during this period.

D. No animal manures or other material potentially containing seeds shall be applied on sod to be entered for certification.

### III. Field Inspection.

A. Handling the crop after planting and prior to inspection.

A field must be rogued and/or sprayed during the growing season to remove (1) other varieties, (2) other perennial grasses, (3) most common weeds, (4) objectionable and noxious weeds.

B. Time and number of inspections.

1. A minimum of three inspections will be required.
2. Fields must be inspected prior to planting to insure the field is free of contamination.

### IV. Field Standards.

A. General

1. Unit of Certification.

A field or portion of a field may be certified.

2. Isolation requirements:

Plantings of vegetatively propagated turf grasses must be isolated from any other variety and other perennial grasses by an artificial barrier and/or strip at least six (6) feet wide to prevent mixing during the growing season and harvesting operation.

B. Specific Requirements.

Factor	Maximum Permitted in each class***		
	Foundation	Registered	Certified
* Other Varieties . . . . .	None	None	1/acre
** Other Crops . . . . .	None	None	None
Noxious/Objectionable Weeds . . . . .	None	None	None
Other Living Plants (max.) . . . . .	100	200	400

- \* Other varieties shall consist of all other varieties of the kind being produced.
- \*\* Other crops shall consist of all other kinds and varieties of perennial grasses.
- \*\*\* Should other varieties, other crops and/or noxious weeds be found in excess of standard, during field inspection, roguing and eradication by spot spraying will be permitted to bring turf in line with standards.

V. Turf Standards.

Objectionable or Noxious Weeds . . . . . None

INSTRUCTIONS AND PROCEDURES

1. An official certificate or label will accompany each shipment of certified sprigs, sod or plugs.
2. A complete record on the amount of certified turf sales will be maintained and made available to the official certifying agency. The record will include (a) class of certified turf sold (Foundation, Registered, or Certified), (b) Kind and Variety, (c) field number, (d) date of harvest, (e) amount of turf shipped (square feet, cubic feet, bushels, etc.).

VI. Tagging Procedure

- A. Each shipment shall carry a tag showing a field number traceable to the map required in IV, 1 above and date of digging must be indicated.
- B. The tag shall show the number of square yards of sod or cubic feet or bushels of sprigs.
- C. The grower shall keep a record showing field number and date of digging for each sale.
- D. When grass is shipped in truck loads, one bag, block, or container of grass representing the lot shall be properly tagged to accompany the shipment.
- E. At the close of each year's sales period a producer's statement shall be furnished the Seed Certification Department showing class of sod or sprigs and quantity sold for each variety under certification during the period.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

**27-198. Okra Certification Standards.**

I. Application of General Certification Standards

The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

II. Land Requirements

Okra shall not be eligible for certification if planted on land where okra was grown the previous year unless the preceding crop was planted with certified seed of the same variety of an equal or higher seed class.

III. Field Inspection

A field inspection shall be made at such time the characteristics of the variety being inspected can best be distinguished from those of another variety.

IV. Field Standards

A. General

1. Unit of Certification

A field shall be the unit of certification.

2. Isolation

To be eligible for certification a seed field must be isolated from fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification as follows:

<i>Class</i>	<i>Feet</i>
Foundation	1,320
Registered	1,320
Certified	825

B. Specific

Factor	Maximum Permitted—Ratio of Plants		
	Foundation	Registered	Certified
Other varieties			
-definite	None	1:14000	1:7000
-doubtful	None	1:4800	1:2400

V. Seed Standards

Factor	Standards for each class		
	Foundation	Registered	Certified
Pure seed (minimum) . . . . .	N. S.	98.00%	98.00%
Inert matter (maximum) . . . . .	N. S.	2.00%	2.00%
* Weed seeds (maximum) . . . . .	0.05%	0.05%	0.10%
**Objectionable or noxious weed seeds (maximum) . . . . .	None	None	None
Total other crop seeds (maximum) . . . .	None	0.02%	0.07%
Other varieties (maximum) . . . . .	None	0.01%	0.05%
***Other kinds (maximum) . . . . .	None	0.01%	0.02%
Germination and hard seed (minimum)	N. S.	70.00%	70.00%

\* Total weed seeds shall not exceed 5 seeds per lb., in Foundation and Registered; 10 per lb. in Certified.

\*\* Objectionable weed seeds shall include weed seeds inseparable in processing.

\*\*\* Other kinds shall not exceed 2 seeds per lb. in Registered; 3 per lb. in Certified.  
N. S.—No Standards

VI. Size of Lots

For the purpose of issuing Certification tags the standard lot size for okra shall be a maximum of 200 bags or 10,000 lbs.

VII. Size of Official Sample

A 4 oz. sample of okra is required for official purity and germination tests by the S.C. State Department of Agriculture.

**HISTORY:** Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984.

**27–1000. Peanut Seed Certification Standards.**

I. Application of General Certification Standards

The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

II. Land Requirements.

Peanuts shall be planted on land on which the previous crop was of another kind or planted with certified seed of the same variety.

III. Field Inspection.

A field inspection shall be made at such time factors affecting certification can best be evaluated.

IV. Field Standards.

A. 1. Unit of Certification.

The unit of certification shall be a field or a portion of a field.

2. Isolation

An isolation of ten feet from other varieties or from peanuts grown from uncertified seed of the same variety shall be required.

B. Specific Requirements

Factor	Maximum Permitted in Each Class		
	Foundation	Registered	Certified
Other varieties*	1:1000	1:500	1:200

\* Other varieties shall be considered to include off-type plants that can be differentiated from the variety that is being inspected.

## V. Seed Standards

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (min.)	N.S.	97.00%	97.00%
* Inert Matter (max.)	N.S.	3.00%	3.00%
** Weed Seeds (max.)	0.01%	0.01%	0.01%
Objectionable or Noxious			
Weed Seeds	None	None	None
Other Crop Seeds	0.11%	.21%	.52%
*** Other Kinds (max.)	0.01%	.01%	.02%
Other Varieties(max.)	0.10%	.20%	.50%
Germination & Hard Seed (min.)	N.S.	70.00%	70.00%

\* Spanish-type, runner-type and Virginia-type seed peanuts may include an additional 3.0% inert or "bald head" (seed coat removed) seed.

\*\* Total weed seeds shall not exceed 5 per lb.

\*\*\* Other kinds shall not exceed 2 per lb. for Foundation and Registered, and 3 per lb. for Certified.

## VI. Size of Lots

For the purpose of issuing certification tags the standard lot size for peanuts shall be a maximum of 500 bags or 25,000 lbs.

## VII. Size of Official Sample

A 2 lb. sample of peanuts is required for official purity and germination tests by the S. C. State Department of Agriculture.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

## 27-1001. Sweet Potato Certification Standards.

### I. Application of General Certification Standards

The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

### II. Land Requirements

#### A. Sweet potato stock eligible for certification must be produced:

1. On land which did not produce sweet potatoes during the past three years.
2. On land that did not receive manure or sweet potato residue during the past three years.
3. On land not subject to drainage water from fields that are now growing or have grown sweet potatoes during the last three years.

B. Sweet potato land shall be treated by approved methods for the control of wireworms and other soil insects where they are known to be a problem.

#### C. Plant Bed Requirements.

1. The plant bed must be located on well drained soil that has not produced sweet potatoes within the last three years unless disinfected by approved methods. The land must not be subject to drainage from barnyards or poultry yards or fields that are now or have grown sweet potatoes during the past three years.

2. Manure must not be used in the plant bed.



3. Seed sweet potatoes must be treated with an approved pesticide prior to planting.

### III. Field Inspection

#### A. Plant Bed

One inspection shall be made when plants are nearly large enough to transplant.

#### B. Field

At least two field inspections shall be made, one shortly after transplanting of sprouts cut from the bed or vine cuttings. The final field inspection shall be performed at least 21 days after the first inspection and when diseases and varietal mixtures can be most easily detected.

### IV. Field Standards

#### A. 1. Unit of certification.

A field or a portion of a field.

#### 2. Isolation

All fields producing a class of certified seed potatoes shall be isolated from other sweet potato fields in such a manner as to prevent mechanical mixture.

#### 3. Planting stock requirements

a. Certified sweet potatoes must be produced from either vine cuttings or from sprouts cut from the bed.

b. Sprouts must be cut approximately 1 inch above the soil surface, using a knife which has been disinfected.

#### B. Specific Requirements.

Factor	Maximum Permitted in Each Class		
	Foundation	Registered	Certified
<b>Plant Bed</b>			
Blackrot .....	None	None	None
Wilt .....	None	None	None
Other Varieties .....	None	None	None
Scurf .....	None	None	None
<b>Field</b>			
Wilt .....	None	None	5 plants/acre
Viruses .....	None	None	10 plants/acre
* Other Varieties .....	None	None	None

\* Five plants current mutations allowed.

### V. Seed and Storage Standards

#### A. Seed

1. At least one storage inspection shall be made.

2. Seed stock must conform to the minimum standards for U.S. No. 1 grade except that minimum size shall not be less than 3 inches in length and 1 ¼ inches in diameter, and shall not exceed 10 inches in length and 3-¾ inches in diameter. \*

#### 3. Root standards

Factor	Maximum Permitted		
	Foundation	Registered	Certified
Common Storage Rots .....	None	None	None
Blackrot .....	None	None	None
Scurf .....	None	None	0.1%
Wilt .....	None	None	0.1%
Internal Cork .....	5.0%	5.0%	5.0%
* Nematode .....	None	None	0.5%

\* Specific sizes of sweet potatoes in accordance with Federal Regulations shall be optional to grower and purchaser.

Factor	Foundation	Maximum Permitted	
		Registered	Certified
* Wireworm . . . . .	1.0%	2.0%	5.0%
Sweet Potato Weevil . . . . .	None	None	None
Other Varieties . . . . .	None	None	0.1%

\*Tolerance applied to severely infected roots.

B. Storage

1. Storage potatoes grown for certification shall be stored in new containers, or used containers that have been disinfected with an approved pesticide.
2. Sweet potatoes must be stored in a facility that has been cleaned and disinfected.
3. Each unit of sweet potatoes that passes field inspection shall be stored according to production unit and treated separately and distinctly at the time of storage inspection. Each crate shall be marked or labeled to correspond with the field unit that passed inspection.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

**27-1002. Small Grain Certification Standards (Wheat, Oats, Barley, Rye, and Triticale).**

I. Application of General Certification Standards

The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

II. Land Requirements

A small grain crop shall be planted on land on which the last crop grown was of another crop kind other than small grains, or was planted with a class of certified seed of the same variety. A crop will not be eligible for certification if planted on land on which the same crop kind was grown the previous year, unless the previous crop was grown from a class of certified seed of the same variety.

III. Field Inspection

A field inspection shall be made at such time factors affecting certification can best be evaluated.

IV. Field Standards.

A. General

1. Unit of certification

The unit of certification shall be a field but a portion of a field may be approved provided the discarded portion can be harvested separately and is eliminated from certification.

2. Isolation

a. Wheat, Oats, Barley, Triticale

A field shall be separated by a strip of ground adequate to prevent mechanical mixtures. The strip may be either mowed, uncropped or planted to some crop other than the kind being certified.

b. Wheat for certification must be isolated from a field of rye by a distance of 660 feet.

c. All barley and wheat fields for the production of all classes of certified seed must be isolated by at least 990 feet from other fields which contain smut in excess of the tolerance indicated in the specific field standards.

d. A field producing any class of certified seed must be isolated by at least 660 feet from rye fields of any other variety or fields of the same variety that do not meet the varietal purity requirements of the class of seed inspected and are the same chromosome number. Isolation between diploid and tetraploid rye shall be at least 15 feet.

B. Specific

	Foundation	Registered	Certified
Other varieties (maximum)	1:3000	1:2000	1:1000
*Inseparable other crops (max.)	1:10,000	1:10,000	1:2000
**Objectionable weeds (maximum)	None	None	None
Loose and covered smut	—	1:2000	1:1000

- \* Inseparable other crops shall include crop plants, the seed of which cannot be thoroughly removed by the usual methods of cleaning. Rye in wheat and barley in oats are well known examples.
- \*\* Objectionable weeds shall include all S.C. Noxious weeds and other as designated by the Seed Certification Department.

V. Seed Standards

	Standards for Each Class		
	Foundation	Registered	Certified
Pure Seed (min.)			
Wheat, Barley, Oats .....	—	98.00%	98.00%
Rye .....	—	97.00%	97.00%
Triticale .....	—	96.00%	96.00%
Inert Matter (max.)			
Wheat, Barley, Oats .....	—	2.00%	2.00%
Rye .....	—	3.00%	3.00%
Triticale .....	—	4.00%	4.00%
* Common Weed Seeds (max.) .....	—	0.05%	0.05%
** Objectionable Weed Seeds (max.) .....	None	None	None
*** Other Crop Seeds (max.)			
Other Varieties same crop .....	1 seed/lb.	2 seeds/lb.	5 seeds/lb.
**** Other Small Grains .....	1 seed/lb.	2 seeds/lb.	5 seeds/lb.
Other Kinds of Crops .....	1 seed/lb.	2 seeds/lb.	5 seeds/lb.
Germination (min.)			
Barley, Oats, Wheat, Triticale .....	—	85.00%	85.00%
Rye .....	—	75.00%	75.00%
***** Diseases .....	—	—	—

- \* For Common Weed Seeds a maximum of 20 per pound must not be exceeded in any class.
- \*\* Objectionable weeds shall include all S.C. Noxious Weeds and others as designated by the Seed Certification Department.
- \*\*\* For Other Crop Seeds, no combination of components may exceed 2 per pound in Foundation, 5 per pound in Registered, or 10 per pound in Certified.
- \*\*\*\* For rye in Other Small Grains, standards shall be, 0 for Foundation, 1 for Registered and 2 for Certified.
- \*\*\*\*\* If chemically controlled seed-borne diseases are noted upon field inspection or laboratory observation, seed treatment may be required.

VI. Size of Lots

Barley .....	24,000 lbs. ( 500 bu.)
Oats .....	32,000 lbs. (1000 bu.)
Rye .....	28,000 lbs. ( 500 bu.)
Triticale .....	24,000 lbs. ( 500 bu.)
Wheat .....	30,000 lbs. ( 500 bu.)

VII. Size of Official Sample

A 2 lb. sample of small grains is required for official purity and germination tests by the S.C. State Department of Agriculture.

**HISTORY:** Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.

**27-1003. Soybean Certification Standards.**

I. Application of General Certification Standards

The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

II. Land Requirements

Soybeans shall be grown on land on which the previous crop was of another kind, or planted with a class of certified seed of the same variety or with a variety of a contrasting pubescence or hilum color.

### III. Field Inspections.

A field inspection shall be made after leaves have dropped and prior to harvest. For Foundation class, a flower color inspection shall also be made.

A field inspection shall be made after leaves have dropped and prior to harvest.

### IV. Field Standards

#### A. General

##### 1. Unit of certification

The unit of certification shall be a field but a portion of a field may be approved provided the discarded portion can be harvested separately and is eliminated from certification.

##### 2. Isolation

Fields of soybeans shall be separated from any other variety or uncertified seed of the same variety by a strip of ground not in soybeans and at least 5 feet wide.

#### B. Specific

	Maximum Permitted—Ratio of Plants		
	Foundation	Registered	Certified
Other varieties	1:5000	1:3000	1:2000
Weeds and other crops with inseparable seeds	All must be removed from field prior to harvest.		

### V. Seed Standards

Factor	Standards for each class		
	Foundation	Registered	Certified
Pure Seed (minimum) . . . . .	N.S.	98.00%	98.00%
Inert Matter (maximum) . . . . .	N.S.	2.00%	2.00%
*Weed seeds (maximum) . . . . .	0.03%	0.04%	0.05%
**Objectionable weed seed (maximum) . . . . .	None	None	None
Total other crop seeds (max.) . . . . .	2/lb.	4/lb.	8/lb.
***Other varieties (max.) . . . . .	2/lb.	4/lb.	8/lb.
****Other kinds . . . . .	1/lb.	1/lb.	2/lb.
****Germination and hard seed (minimum) . . . . .	N.S.	80.00%	80.00%

\* Total weed seed shall not exceed 10 per lb.

\*\* Objectionable weeds shall be S.C. noxious weeds and others designated by the Seed Certification Department.

\*\*\* Off-colored beans due to environmental factors shall not be considered other varieties. Other varieties shall be considered to include off-type seeds that can be differentiated from the variety that is being analyzed.

\*\*\*\* Corn, sunflower seed, maximum; Foundation - N.S.; Registered- None; and Certified - 1 per pound; Cowpea Seed, Maximum; Foundation and Registered - None; Certified - 1 per pound. The preceding cowpea standards apply for issuing certification tags. S.C. certified soybeans sampled by the S.C. Department of Agriculture (SCDA) or the Seed Certification Department after having been tagged must have the certification tags removed and all mention of certification eliminated on the bag if found containing any cowpeas in Foundation Seed, more than one cowpea per pound in Registered seed or more than two cowpeas per pound in Certified seed. N.S.--No Standards

\*\*\*\*\* Germination for edible varieties may be lowered to 70.00%.

### VI. Size of Lots

For the purpose of issuing certification tags or bulk sale certificates the standard maximum lot size for soybeans shall be 30,000 lbs.

### VII. Size of Official Sample

A 2 lb. sample of soybeans is required for official purity and germination tests by the S.C. Department of Agriculture. Note: If soybean seed are to be treated with a pesticide that coats or colors the seed, a sample of the untreated, conditioned seed must be submitted for the varietal purity analysis and a sample of the treated, conditioned seed must be submitted for the germination test.

**HISTORY: Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

## 27-1004. Tobacco Seed (Including Hybrids) Certification Standards.

### I. Application of General Certification Standards

A. The General Certification Standards, Clemson University Regulation 27-190, are basic and applicable.

B. The General Standards are modified as follows:

Production of Seed (V).

Handling of Crop Prior to Inspection

1. Plants of other varieties including off-type plants must be topped.
2. Plants affected with mosaic disease must be topped.
3. Plants affected with ring-spot disease must be topped as soon as found.

Labeling (IX)

Samples of all labels used on tobacco seed containers must be approved by and on file with the Seed Certification Department.

### II. Land Requirements

A new plant bed must be used each year unless the bed is sterilized with a soil sterilant prior to seeding.

### III. Field Inspection

A field inspection shall be made during the blooming period.

### IV. Field Standards

#### A. General

##### 1. Unit of certification

A field or a portion of a field may be certified if the area to be certified is clearly defined. Precautions must be taken to prevent contamination from the portion not certified.

##### 2. Isolation

###### (a) Self-Pollinated Varieties

Where two or more varieties of the same type are grown side by side in the same field, four (4) border rows of each variety, between the two varieties, shall be allowed to bloom and set seed, but shall not be harvested for seed. Otherwise there shall be 150 feet between varieties of the same type. Isolation between varieties of different types shall be at least 1,320 feet except when protected from cross pollination by bagging or when all plants in the neighboring field are topped before blooming.

###### (b) Hybrids

When producing hybrid tobacco seed of the same type when male fertile and male sterile varieties are grown side by side in the same field, four (4) border rows of the male sterile varieties adjacent to the male fertile varieties shall be allowed to bloom and set seed but shall not be harvested for seed except when the male fertile plants are to be used as the pollen parent on the adjacent male sterile plants. Otherwise, male sterile plants must be at least 150 feet from male fertile plants. Isolation between male sterile plants and male fertile plants of different types shall be at least 1320 feet, except when protected from cross pollination by bagging or when all plants in the neighboring fields are topped before blooming.

#### B. Specific

No seed bearing plants of off-types or other varieties or plants affected with mosaic and/or Ring-spot disease are permitted.

### V. Seed Standards

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure Seed (minimum)	98.00%	99.00%	99.00%
Inert matter (maximum)	2.00%	1.00%	1.00%

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Total weed seeds (maximum)	None	None	None
Objectionable or noxious (max.)	None	None	None
Total Other Crop Seeds (maximum)	0.01%	0.01%	0.01%
Other Varieties (maximum)	0.01%	0.01%	0.01%
Other Kinds (maximum)	0.01%	0.01%	0.01%
Germination and Hard Seed	NS	80.00%	80.00%
NS—No Standards			

**HISTORY:** Amended by State Register Volume 8, Issue No. 12, eff December 28, 1984; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.

## ARTICLE 15 ADMISSION OF LIVESTOCK INTO SOUTH CAROLINA

### **27-1010. General.**

A. These regulations promulgate requirements, procedures and/or definitions as authorized by applicable chapters of Title 47, S. C. Code of Laws (1976), as amended. Adherence to these regulations is mandatory, unless otherwise specifically indicated.

B. Definitions. (See generally § 47-4-20 and other applicable Chapters of Title 47)

(1) Sick—this term shall be applied to any poultry or livestock which has been exposed to or infected by those diseases as listed in § 47-4-50 and Regulation 27-1011, or which otherwise display to the State Veterinarian symptoms of a contagious, communicable or contagious disease.

(2) Exotic—means any animal or bird not otherwise identified as livestock or poultry herein that is native to a foreign country or of a foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes, but is not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos and water buffalo, species of foreign domestic cattle such as Ankole, Gayal and Yak, ostrich, emus, cassowaries, rheas, etc.

(3) Wild—means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories or possessions. This term includes but is not limited to; animals such as: deer, skunk, opossum, raccoon, musk armadillo, coyote, squirrel, fox, wolf, etc.

(4) Feral—means any animal commonly understood to have been domesticated but now living not under effective human control or in the wild.

(5) Certified Poultry—that poultry certified under the National Poultry Improvement Plan.

(6) Noncertified Poultry (NCP)—that poultry which is not certified under the National Poultry Improvement Plan.

(7) Excluded Poultry—poultry excluded from the National Poultry Improvement Plan.

(8) Immediate Slaughter—livestock/poultry purchased for immediate slaughter must be slaughtered within 10 days of purchase or acquisition for immediate slaughter.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995.

### **27-1011. Diseases and Health Documentation. (See generally § 47-4-60).**

A. All persons must report the diagnosed or suspected existence of the following diseases to the State Veterinarian within forty-eight (48) hours after discovery.

1. Brucellosis
2. Tuberculosis
3. Pseudorabies
4. Equine Infectious Anemia (EIA)
5. Paratuberculosis—Johne's Disease
6. Pullorum—Fowl Typhoid
7. Eastern Equine Encephalomyelitis (EEE)
8. Western Equine Encephalomyelitis (WEE)

9. Venezuelan Equine Encephalomyelitis (VEE)
10. West Nile (WNV) Encephalitis
11. Scrapie
12. Anthrax
13. Erysipelas
14. Rabies—coordinated with DHEC
15. Vesicular Stomatitis
16. Hog Cholera
17. Cattle Tick Fever
18. Foot and Mouth Disease
19. Vesicular Exanthema
20. Rinderpest
21. African Swine Fever
22. African Horse Sickness
23. Contagious Equine Metritis
24. Equine Viral Arteritis
25. Screwworm (*Cochliomyia hominivorax*)
26. Dourine (*Trypanosoma equiperdum*)
27. Glanders—*Burkholderia mallei* (formerly *Pseudomonas mallei*)
28. Highly Pathogenic Avian Influenza (Fowl Plague)
29. Newcastle Disease (Exotic)
30. Avian Infectious Laryngotracheitis
31. Heartwater (*Cowdria ruminantium*)
32. Q Fever (*Coxiella burnetii*)
33. Babesiosis (*Babesia bovis*, *B. bigemina*)
34. All foreign and Exotic Diseases and Parasites of Animals and Birds
35. OIE Lists A&B

The State Veterinarian may declare other diseases as reportable, upon publication of such notice in the State Register.

#### REPORTABLE DISEASE IN SOUTH CAROLINA BY CLINICAL SYMPTOMS

Sore Mouth-Muzzle: especially if accompanied by foot, udder, vulva or skin lesions (Blisters-Vesicles)

Ex: Foot & Mouth, Vesicular Stomatitis, etc.

Encephalitis (CNS) Conditions in All Animals and Birds.

Ex: Eastern, Western and Venezuelan Equine Encephalomyelitis, West Nile Encephalitis

Pseudorabies, Bovine Spongiform Encephalopathy—BSE

Caprine Arthritis Encephalitis

High Death Loss—especially over a short period and in older animals past several weeks old.

Ex: Hog Cholera, Erysipelas, Anthrax, Acute Septicemias

Reproductive Problems

Ex: Brucellosis, Pseudorabies, Contagious Equine Metritis (CEM)

Any Highly Unusual Condition—Disease or parasites differing from conditions one is familiar with.

Ex: All foreign and exotic diseases and parasites, unusual symptomatology of any kind.

B. Certificate of Veterinary Inspection (CVI)—In addition to the statutory requirements, each CVI shall list all applicable permit numbers, the date of issuance thereof, the name of the issuing agency and the farm or other location from whence the livestock/poultry originated.

C. Health Permits (HP)-The State Veterinarian may authorize the issuance of HPs, under such terms and conditions as he deems appropriate. HPs shall not be employed as substitutes or in lieu of CVIs, but shall be issued as temporary measures only in emergency situations or under circumstances which could not have been reasonably foreseen. HPs shall expire no more than 30 days after issue and may not be renewed.

D. Appropriate Test(s)-A requirement for a negative test for a particular disease or condition may be satisfied by a negative result from any test approved by the USDA for detection of the particular disease or condition, unless otherwise indicated.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 27, Issue No. 5, eff May 23, 2003.**

## **27-1012. Animal/Poultry Quarantines (Other Than Garbage Feeding Quarantine) (See generally § 47-4-70).**

### A. Definitions

1. See Code Section 47-4-20 (12)
2. See Regulation 27-1010 B.

B. Any duly authorized representative of the State Veterinarian may order a temporary quarantine of livestock/poultry which have not met the necessary entry requirements or which are reasonably suspected of being sick, at risk, or exposed to those diseases listed in Reg. 27-1011.

C. The quarantined livestock shall be immediately separated from apparently healthy livestock/poultry, until examined by a veterinarian designated by the State Veterinarian.

D. If in the opinion of the examining veterinarian the livestock/poultry is not sick, the temporary quarantine will be lifted, provided all entry requirements are met.

E. If in the opinion of the examining veterinarian the examination is inconclusive, the suspect livestock/poultry will remain separate and apart until such time as any necessary tests confirm the presence or absence of such disease.

F. The State Veterinarian shall quarantine livestock/poultry for sufficient time to ensure the presence or absence of a disease or condition, or compliance with regulatory requirements.

G. Livestock/poultry introduced into this state without the required health certifications will be returned aboard the same carrier to point of origin, unless the livestock/poultry has already been unloaded. In such case, all livestock/poultry in the load will be quarantined together on an "all in, all out" basis.

H. The quarantine, if verbal, will be reduced to writing as soon as possible if the quarantine is expected to last in excess of twenty-four (24) hours. The written quarantine order will specify the suspected disease, the terms and conditions of the quarantine, and that an appeal may be made, within 10 days after notice, to the State Veterinarian, P. O. Box 102406, Columbia, SC 29224-2406 (803-788-2260).

I. The quarantine will remain in effect until removed in writing by the State Veterinarian. The quarantine will normally include the incubation period for the particular disease plus an appropriate safety factor period. The affected livestock and/or poultry may not be removed from the quarantined premises without the specific written approval of the State Veterinarian.

J. The owner must comply with the terms of the quarantine during the pendency of any appeal, whether administrative or in a court of law, unless sooner released by the State Veterinarian.

K. Quarantines for equine infectious anemia. (See generally § 47-13-1360) Owners of equine permanently quarantined for a positive reaction to an approved test for equine infectious anemia must comply with the quarantine requirements as established in § 47-13-1360 at all times. If the owner does not possess sufficient property to establish the required separation distance utilizing his own property, such separation distance may be achieved by lease, easement or other interest in contiguous and adjacent real property. It is the responsibility of the owner to ensure that no equine at the facility comes any closer than the mandatory minimum 200 yards distance to any other equine legally on contiguous or adjacent public or private property. Separation distances for temporary (less than 45 days) quarantines shall be established on a case-by-case basis by the State Veterinarian; however, these distances shall in no case be greater than that required for a permanent quarantine.



L. All quarantined premises must be specifically approved by the State Veterinarian. Due consideration must be given to security fencing, shelter, food, water, etc.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995.**

## **27-1013. Importation of Livestock.**

A. Definitions. See Code § 47-4-20 and Regulation 27-1010.

B. General. All livestock, as defined by 47-4-20(7), must, upon importation into the state, be accompanied by a CVI or an HP, unless specifically excepted herein.

C. Where these regulations are silent or are in direct conflict with federal regulations, the federal regulations will prevail.

D. The CVI/HP, in addition to the requirements of § 47-4-60, and 27-1011, must contain the following:

1. Canines/Felines. The CVI must be accompanied by a rabies vaccination certificate, which properly identifies the animal. A CVI/HP shall not be issued, if:

- (a) the canine/feline originated within an area under quarantine for rabies; or
- (b) the canine/feline has been exposed to rabies; or
- (c) the canine/feline has not been vaccinated against rabies in the past 12 months

2. Equine. See Code Section 47-13-1350

3. Bovine. (Cattle)

(a) Tuberculosis.

(1) A TB testis not required provided the CVI indicates the cattle originated from an accredited TB free herd or a designated TB free state.

(2) All other cattle, including calves, must be tested negative within 30 days prior to entry.

(b) Brucellosis (Bang's Disease).

(1) Cattle, including calves and cattle for exhibition purposes, may be imported into the state, provided they come directly from herds meeting health status of one of the following classifications:

(a) Herds officially accredited Brucellosis-free.

(b) Unvaccinated calves under six (6) months of age will not be required to be blood tested prior to entry, provided they are identified as the progeny and come directly from certified Brucellosis-free herds or Brucellosis-negative herds in accordance with paragraph (a).

(c) Cattle officially vaccinated under Federal-State supervision with *Brucella abortus* vaccine between four (4) and eight (8) months of age which originate in herds in accordance with paragraphs (a), wherein all unvaccinated animals over six (6) months of age are negative to an official blood test within thirty (30) days prior to the date of entry and all vaccinated animals over twenty (20) months of age which give titers not exceeding the accepted minimum test standards as recommended by the United States Animal Health Association and approved by the State and Federal authorities, may be imported into the state.

(d) Cattle under twenty (20) months of age officially vaccinated with *Brucella abortus* vaccine between four (4) and eight (8) months of age which originate in herds in accordance with paragraph (a) may be imported into the state without an official blood test, but the importation shall be at the request of the purchaser and subject to the approval and special written permit issued by the State Veterinarian.

(e) Cattle not provided for in above classifications may enter the state provided they were negative to an official test for Brucellosis within thirty (30) days prior to entry.

(2) Tests for Brucellosis shall be conducted in a laboratory approved by the proper livestock sanitary official of the state where the cattle originate. All tests shall be conducted by one of the methods recommended by the United States Animal Health Association and approved by State and Federal authorities of the state of origin.

(3) The CVI for the importation of calves under six (6) months of age, as provided in paragraph (c), shall include the Brucellosis status of the herd in which they originate.

(4) Cattle recognized as officially vaccinated with *Brucella abortus* vaccine shall be identified by tattoo in the right ear, giving the quarter of the year in which they were injected by either one (1), two (2), three (3) or four (4), followed by the U. S. Register Shield and "V" and the last digit of the year, in the case of calves. Vaccinates not identified as described above shall not be recognized as such for importation into South Carolina. The Brucellosis Shield information shall be recorded on the CVI.

(5) Feeder steers may be imported without a Brucellosis test but shall be accompanied by a CVI and individual animal identification.

(6) Public Stockyards and Auctions—No cattle approved for entry into the state as free from Tuberculosis or Brucellosis shall, prior to shipment, be assembled, handled or confined in any public stockyard, livestock auction, sales, stable or yard, unless they are properly segregated in thoroughly cleaned and disinfected pens to prevent their exposure to infected cattle or premises.

(7) Immediate Slaughter—Cattle for immediate slaughter may be imported into the state without a CVI provided the cattle are covered by a waybill or certificate marked for immediate slaughter shipped directly to a slaughtering establishment or slaughtering center that is approved and designated by the Service and/or the State Veterinarian. Such cattle shall be slaughtered within ten (10) days after arrival at destination, except when the ten-day period is extended by special permit from the State Veterinarian.

(c) Cattle Fever Tick and Scabies Regulations.

(1) No cattle infested with fever ticks (*Margaropus Annulatus* or *M. Australis*) or exposed to such tick infestation shall be shipped, trailed, driven or otherwise imported into the state for any purpose.

(2) Cattle from Federal-State tick quarantined areas shall not be imported into this state except in accordance with regulations of the Service.

(3) No cattle infested with Scabies shall be shipped, trailed, driven or otherwise imported into this state for any purpose.

(4) No cattle recently exposed to Scabies or from an area quarantined on account of Scabies shall be imported into this state except in accordance with the regulations of the Service.

#### 4. Sheep and Goats.

A. Sheep and goats for dairy, exhibition, and breeding purposes to be imported into this State shall be individually identified and accompanied in all cases by a CVI. Animals imported for dairy purposes must be accompanied by negative test results for tuberculosis and brucellosis conducted within thirty (30) days prior to importation.

B. Scabies. Sheep and goats that have been handled in stockyards, stock pens or on premises in public use for livestock shall not be imported into this state until after they have been dipped in accordance with the regulations of the Service, and while in transit, they shall be accompanied by a certificate certifying such dipping.

C. The CVI covering importation shall include a report of inspection indicating that the sheep or goats are not infected with, exposed to or from a flock or area under quarantine for Scabies, Scrapie, Blue Tongue or any other infectious, contagious or communicable disease.

D. Sheep and goats for purposes other than immediate slaughter shall be imported in conveyances that have been cleaned and disinfected with an approved disinfectant immediately prior to loading animals.

E. Immediate Slaughter. Apparently healthy sheep and goats may be imported into this state for the purpose of immediate slaughter when consigned directly to a slaughtering establishment or slaughtering center that is approved and designated by the Service, and/or the State Veterinarian. Such sheep and goats shall be accompanied by a waybill or certificate marked for immediate slaughter, and shall be slaughtered within ten (10) days after arrival at destination, except when the ten-day period is extended by a special permit from the State Veterinarian.

5. Swine.

A. See generally Code Sections 47-6-10, et. seq. No swine for feeding or breeding purposes may be imported into the state without an entry permit issued by the State Veterinarian.

B. All swine, except those designated for slaughter, imported into this State shall be accompanied by a CVI. All swine must be individually identified with an eartag or other acceptable method of permanent identification. Purebred swine, if not eartagged, shall be identified by registry name and number and a description sufficient to identify the animal.

C. Breeding swine shall come directly from herds validated for brucellosis.

D. Breeding swine must be negative to an official test for pseudorabies within 30 days prior to entry or originate directly from a qualified pseudorabies herd.

E. Swine may be imported into the State without a CVI if they are individually identified, covered by a waybill or certificate marked for immediate slaughter and consigned directly to an approved and state/federal inspected slaughter establishment.

6. Wild/Feral/Exotic Animals.

A. All wild, feral or exotic animals, capable of carrying or transmitting diseases reportable in regulation 27-1111 above, in addition to a CVI, also meet any health requirements for these diseases imposed upon domestic livestock unless otherwise noted or waived by the State Veterinarian, and must have necessary approval from other concerned state agencies.

B. Each such animal must be individually and permanently identified.

C. Each such animal must also have an entry permit issued by the State Veterinarian.

D. Cervidae.

(1) Brucellosis. A negative test for brucellosis within thirty (30) days prior to entry into South Carolina.

(2) TB. A negative cervical test, conducted IAW Veterinary Service Notice of December 31, 1990 for tuberculosis within thirty (30) days prior to entry into South Carolina.

E. Camellidae

(1) A negative brucellosis test within thirty (30) days prior to entry.

(2) A negative TB test within thirty (30) days prior to entry.

E. Vesicular Stomatitis Restrictions. Wild and domesticated hooved animals, including but not limited to bovine, equine, porcine, ovine, caprine and cervidae, are prohibited entry into South Carolina if they have been exposed to Vesicular Stomatitis within the thirty (30) days immediately preceding their entry into South Carolina, or if they originated from an area within ten (10) miles of a premise where Vesicular Stomatitis has been diagnosed in the thirty (30) days immediately preceding entry into South Carolina. All animals described above which originate in a state or area in which Vesicular Stomatitis has been diagnosed must have the following statement written by the accredited veterinarian issuing the CVI:

“All animals identified on the certificate have been examined and found to be free of Vesicular Stomatitis. During the past thirty (30) days, these animals have not been exposed to Vesicular Stomatitis nor located within ten (10) miles of an area where Vesicular Stomatitis has been diagnosed.”

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 5, eff May 22, 1998.**

## **27-1014. Importation of Poultry.**

A. All poultry defined in the Provisions of the National Poultry Improvement Plan entering the State shall be U. S. Pullorum-Typhoid Clean or equivalent or be accompanied with a CVI stating the poultry was tested negative for pullorum and typhoid utilizing an approved test within 30 days prior to entry.

B. Poultry certified under the National Poultry Improvement Plan.

1. All started poultry (poultry that has been fed and watered) entering the State shall have an approved permit prior to entry.

2. The prior permit request shall be on a form approved by the State Veterinarian and shall show such information as needed to assure that the birds to be imported are U. S. Pullorum-Typhoid Clean and have been exposed to no diseases or vaccines that will endanger the poultry residing in the State. In addition, there shall be a certification by the shipper that the poultry will be moved in cleaned and disinfected vehicles and containers in accordance with the Code of Federal Regulations, Title 9, Part 71. In addition, all egg type chickens must have originated from U. S. S. *Enteritidis* Monitored stock.

3. Poultry for immediate slaughter will be exempt from these provisions.

4. Poultry entering the State for Exhibition purposes only that remain identified under the Plan as U. S. Pullorum-Typhoid Clean are exempt from these provisions, provided they are accompanied by proper NPIP certification on a current VS Form 9-2 or with a CVI showing a negative test for Salmonella pullorum and Salmonella gallinarium within the last 30 days, that the certified poultry appears healthy, and has not been exposed to infectious or contagious disease including avian influenza, velogenic Newcastle disease, infectious coryza or laryngotracheitis or any live virus vaccine for 30 days prior to the date of entry.

C. Poultry excluded from Provisions of the National Poultry Improvement Plan (Pigeons, doves).

1. Poultry excluded from the Plan may enter the State only when accompanied by a CVI issued within 30 days prior to entry which states the birds are not showing signs of infectious, contagious of communicable diseases, and have not been exposed to infectious of contagious diseases including velogenic Newcastle disease for 30 days prior to entry.

2. [None]

D. Poultry not certified under the National Poultry Improvement Plan (NCP).

1. Non-certified poultry (*including ratites such as ostrich, rhea, and emu*) may enter the State only when accompanied by a CVI, issued within 30 days prior to entry, which states that the NCP is not showing signs of infectious or communicable diseases and

2. That the NCP has had a negative avian influenza test within 10 days prior to entry and

3. The CVI shows the NCP's permanent identification number and the S. C. Entry permit number.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995.**

## **27-1015. Public Livestock Markets.**

A. Categories—Public Livestock Markets consist of these categories: Livestock Auction Markets; Livestock Slaughter Assembly Points; Dealers; Expositions; and Miscellaneous.

B. Definitions—See § 47-4-10 and Regulation 27-1010 for additional definitions.

C. Livestock Auction Market (LAM)

1. A livestock auction market is a fixed, permanent facility that shall on a regularly scheduled day or days of each week offer for sale to the general public various species of livestock, according to the terms of the permit. The livestock auction market has assembly and holding pens, the services of an auctioneer, and veterinary services.

2. It shall be unlawful to operate an LAM without a current permit. Any person wishing to operate an LAM shall make written application for a permit to operate such market to the State Veterinarian (Code § 47-11-30). All applications for a permit to operate an LAM shall be accompanied by a copy of the detailed plans and specifications of said LAM and premises. Applications and requirements may be obtained from the State Veterinarian. LAMs operating under such permits obtained prior to January 1, 1977, are exempt therefrom, unless such permit should be revoked by the Commission, but must maintain a current permit.

3. All LAM premises shall be thoroughly inspected by the Commission prior to the issuance of any permit. No permit shall be issued until all discrepancies are corrected or waived by the Commission. The permit will specifically indicate which species of livestock may be handled at the LAM. No species shall be handled at the market unless specifically identified in the permit.

4. The LAM operator shall display the permit in a suitable place for public inspection.

5. Permits shall be for a one year period, unless sooner revoked or suspended.

## 6. Facilities, Sanitation, Care.

(a) Facilities –Proper facilities for handling livestock shall consist of suitable pens in sufficient numbers for holding each species of livestock apart and separate. Separate pens shall be provided for livestock which may be suspected of being infected with or exposed to a contagious disease or which may show a positive reaction to a test indicating they are infected with a contagious disease.

(b) Restraint of Livestock for Examination –A satisfactory chute, holding pens and other facilities necessary, shall be available to restrain livestock for the purpose of examining, testing, and immunizing against contagious or infectious diseases.

(c) Veterinary Services –Facilities shall be provided for veterinary services for the purpose of conducting the preliminary brucellosis blood test and for keeping such equipment, drugs and supplies as may be necessary to the proper conduct of veterinary services.

(d) Cleaning and Disinfection –The premises, including yards, pens, alleys, and chutes shall be cleaned and disinfected in an approved manner following each sale in order to destroy any type of material which might be infected with any agent suspected of having been exposed to or harboring the causative agent or agents of any contagious or infectious disease affecting livestock.

(i) All areas within the Livestock Auction Market shall be cleaned and/or raked to the earth, and all manure and refuse removed from the Livestock Auction Market and such areas be sprayed with an approved disinfectant within 48 hours prior to the next sale.

(ii) All areas in the Livestock Auction Market shall be properly drained.

(iii) Bedding or the type bedding used shall be optional.

(e) Food/Water –The market shall ensure a continuous supply of clean water is available, at all times, and that sufficient feed troughs and feed are available to provide for animals held overnight.

(f) Square footage requirements per animal will be in accordance with any published federal regulations.

7. Records –Records shall be maintained according to § 47-11-80 and § 47-11-85 of the Code of Laws of South Carolina. The term “complete record” as stated in the law shall include the complete name and mailing address of buyers and sellers of all livestock. Any additional record keeping requirements are listed separately for each category. It is vital that premises of origin be identified for each animal. It is the responsibility of the market operator to ensure the records are readable, available and complete.

## 8. Veterinary Services

(a) The Commission shall furnish veterinary services at the Livestock Auction Market on the day of regularly scheduled sales. The State Veterinarian may appoint an accredited Deputy State Veterinarian (LAM Veterinarian) to assist in the inspection, examination and treatment of livestock in order to control and prevent the spread of contagious and infectious diseases. The State Veterinarian may authorize qualified personnel to draw samples necessary for required blood tests.

(b) No sale may be conducted without a designated representative of the State Veterinarian present, unless waived by the Commission.

(c) The market operator shall be responsible for providing sufficient assistance to the State Veterinarian’s representative in the examination, testing, and treatment of Livestock.

(d) Quarantine of sick livestock may be authorized in accordance with regulation 27-1012.

(e) All charges for tests, serums, vaccines, services, treatments or labor performed by the LAM veterinarian/ representative or the market operator will be conspicuously posted on the premise and an itemized bill presented to the Buyer.

(f) Health Certifications –Livestock must possess all health certifications and tests required by law and these regulations, unless sold for immediate slaughter or resale for immediate slaughter. See Regulation 27-1011

## 9. Specific requirements for Cattle.

(a) Brucellosis Testing –When considered advisable by the State Veterinarian, the authorized representative of the State Veterinarian shall take a blood sample from cattle and shall test the blood in a manner approved by the State Veterinarian to determine if the cattle tested are free from serological evidence of the disease known as Brucellosis. This test will be a preliminary blood test and cattle sold as Brucellosis negative based upon the results of this test, will be sold as such subject to a re-test of the same blood by the Official State Brucellosis Laboratory.

(b) Fees for the LAM Veterinarian –The LAM veterinarian shall charge an appropriate fee, as approved by the State Veterinarian, for each blood test for brucellosis.

(c) Which Cattle Are to Be Tested –All female cattle and bulls over 6 months of age shall be blood tested for brucellosis with the following exceptions:

(i) Cattle that are to be sold for immediate slaughter;

(ii) Dairy and beef cattle under 20 months of age that have been officially vaccinated against brucellosis, unless the buyer or owner shall request a blood test; such vaccination shall be subject to confirmation by the State Veterinarian;

(iii) Cattle from certified herds when such certification is current and proof of certification is presented with the cattle and the cattle are not commingled with cattle from uncertified herds;

(iv) Cattle that have been tested and found negative to brucellosis within not more than 30 days prior to the date of the Livestock Auction Market Sale and when such cattle are accompanied by an official brucellosis test chart properly executed.

(d) Wherein Cattle Are Brucellosis Tested –Cattle shall be presented at the Livestock Auction Market prior to the sale and the seller or his agent shall indicate whether such cattle are to be sold for dairy, breeding or other purposes.

If the owner elects to sell his cattle for dairy or breeding purpose, the cattle shall be blood tested for brucellosis. The State Veterinarian's authorized representative shall take a blood sample from the cattle and shall run a preliminary brucellosis blood test on the serum. If the cattle be negative to this preliminary test, they or she may be sold as brucellosis negative subject to a re-test of the blood by the Official State Brucellosis Laboratory.

If cattle react to the preliminary blood test in serial dilutions that would classify the animal a suspect to brucellosis, then said cattle must be sold for immediate slaughter or returned to the seller's premises under quarantine. If cattle react to the preliminary blood test in serial dilutions that would classify the cattle as reactors, then such animal or animals must be branded and tagged by the State Veterinarian's authorized representative as brucellosis reactors and sold for immediate slaughter or returned to the seller's premises under quarantine.

#### 10. Sick or Exposed Livestock

(a) Disposition of Sick or Exposed Livestock –If sick livestock are noted prior to unloading at the Public Livestock Market, then it shall be the right and duty of the Livestock Auction Market Veterinarian, the Market Operator or his employees, or any veterinarian or livestock inspector or livestock Law Enforcement Officer employed by the Commission or the Service to refuse permission for such livestock to enter the Public Livestock Market. It shall be the duty of any State or Federally employed Veterinarian or Livestock Inspector, or the Livestock Auction Market Veterinarian to issue a quarantine to the owner of such livestock and such livestock shall be returned to the premises of the owner under said quarantine, until the cause of the illness or suspected illness can be determined by the Commission.

(b) When Sick Livestock Are Noted in the Auction Market –If sick livestock are noted in the LAM, such livestock shall be moved to a quarantine pen and the seller of such livestock shall either return them to his premises under an official State quarantine until the cause of such illness or suspected illness can be determined by the Commission, or send them to immediate slaughter at a facility subject to inspection under state or federal veterinary procedure.

(c) Who Shall Quarantine Livestock –The Livestock Auction Market Veterinarian shall issue a quarantine verbally or in writing on livestock sick of, or suspected of being sick of or exposed to a contagious or infectious disease. Any veterinarian or Livestock Inspector or Livestock Law Enforcement Officer employed by the Commission or the Service, in the absence of or in

cooperation with the Livestock Auction Market, shall also be empowered to issue quarantines. Quarantine shall be IAW Regulation 27-1012.

#### 11. Identification of Livestock.

(a) It shall be the responsibility of the Market Operator to identify properly all livestock as the livestock is unloaded on the premises of the market, and at all times while the livestock is on the premises.

(b) Cattle shall be identified by the official State-Federal backtag, or other methods approved by the Commission or the Service.

(c) Swine:

(i) 100 lbs. or less—USDA eartag backtag, or bangle tag

(ii) 100-300 lbs.—USDA eartag, slap tattoo or bangle tag

(iii) 300 lbs. and over—USDA eartag, slap tattoo, bangle tag or backtag

(Note: Any swine which may be skinned should not be slap tattooed.)

(d) Sheep –individual backtags (not USDA)

(e) Goats –individual backtags (not USDA)

12. Health Status –Neither the Commission or its agents nor the Service or its agents are responsible for the health status of any livestock examined, treated or offered for sale or sold through any Public Livestock Market.

13. Penalties –Any person who operates a LAM contrary to the regulations or who shall fail to cooperate with the Commission, or its duly authorized agents shall be subject to punishment in accordance with § 47-4-130.

#### D. Livestock Slaughter Assembly Point

1. A livestock slaughter assembly point (LSAP) is a livestock market where, on a regular schedule, as approved by the Commission, livestock is assembled for the sole purpose of sale for immediate slaughter.

2. Only species of livestock listed on the permit may be sold in the LSAP.

3. Sick livestock on market premises must be sold for immediate slaughter at an approved facility or quarantined on the premises.

4. Livestock entering a LSAP need not have a CVI, since such livestock are sold to a slaughter facility under state or federal veterinary inspection procedure.

5. Livestock sold for immediate slaughter or resale for immediate slaughter shall be removed from the LSAP premises within a maximum 10 days after first change of ownership on the premise.

6. All livestock entering the LSAP must be identified IAW Paragraph A.11 above.

7. The LSAP operator is responsible for ensuring the availability of veterinary services.

#### E. Dealer

1. The term “dealer” means any person who buys livestock

(i) for his own account for purposes of resale, or

(ii) for the account of others.

*Exemptions:* This shall not apply to a person who offers for sale or trade only livestock which he has raised or livestock which he owns or has had in his possession for a period of 60 days or longer or who had the livestock grown under contract, and is not engaged in the business of buying, selling, trading, or negotiating the transfer of livestock. Neither shall this apply to a livestock market operator conducting sales in compliance with the Public Livestock Markets Act.

2. Prohibited conduct: It shall be unlawful for any person to:

(1) Carry on or conduct the business of a livestock dealer without a current valid permit issued by the State Veterinarian.

(2) Fail to keep the records required.

3. Permits: Any person desiring to be permitted as a livestock dealer shall make application to the State Veterinarian. Bonding as required by Packers and Stockyards Administration.

Whenever an applicant has complied with these regulations, the State Veterinarian shall issue a permit to conduct business as a livestock dealer for a period of one year, unless such permit is sooner suspended, or revoked.

The permit fee is five dollars annually or for a part of a year. The permit year is March first to the last day of February. The Commission by regulation may increase the fee to not more than one hundred dollars (Code 47-11-30).

#### F. Expositions

1. An exposition is a fixed location where livestock is assembled for the purpose or public show, display, exhibition, and/or judging. It does not include any location wherein the sponsor or manager charges or receives a fee or commission for each animal which is bought, sold or traded while on the premises, where the express purpose of the assembly is the buying, selling, or trading livestock; or where the general public is not invited to view the assembled livestock.

2. A livestock exposition must have a current permit issued by the state veterinarian.

3. Expositions must maintain records as required by § 47-11-80, including the name and address of the exhibitor.

4. The exposition operator is responsible for ensuring the availability of veterinary services.

#### G. Miscellaneous

1. This category encompasses all other livestock/poultry sales operations not otherwise described herein, and which are open to the general public. The permit will specifically describe the species of livestock/poultry which are authorized to be sold, and only those species are authorized to be sold by the permit holder.

2. Poultry sales shall be limited to chickens, doves and pigeons.

3. Animal sales shall be limited to goats and small animals such as rabbits, etc.

4. No livestock/poultry will be sold which originates from an out-of-state premise. All livestock/poultry sold must come directly to the sale from a South Carolina premise.

5. The permit holder must maintain those records required by § 47-11-80 for a minimum of two years.

6. The permit holder is responsible for the availability of any necessary veterinary services.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.**

## **27-1016. Equine Facilities.**

A. General. These regulations are promulgated in accordance with S. C. Code Title 47, Chapters 4 and 13. Violations shall be punished in accordance with § 47-4-140.

#### B. Definition.

1. Horse—for the purpose of this Article, “horse” means any member of the equine family including horses, mules, asses, zebras or other equadae.

2. Equine Sales Facility (ESF)-shall mean any premise where horses are assembled for the purpose of being sold, bartered or exchanged.

3. Equine Slaughter Assembly Point –This facility shall be deemed to be one operated by a person or persons, firm or corporation, that shall on a continuing daily basis or on several days of each week, purchase equine from the general public for immediate slaughter, such equine to be moved to a slaughter establishment within fifteen (15) days of purchase.

4. Additional applicable definitions are found in Code §§ 47-4-10 and 47-13-1310.

#### C. Equine Sales Facility (ESF)

##### 1. Permits

a. All ESFs must possess a current permit issued by the Commission.

b. Application for an ESF permit shall be made to the Commission, P. O. Box 102406, Columbia, SC 29224-2406, on forms furnished by the Commission.



c. Applications must be accompanied by the detailed plans required by the permit application form.

d. The Commission shall inspect the premises to ensure the proposed facility will be in compliance with its requirements, prior to issuing the permit.

e. Issued permits are valid until the next March 1, unless sooner revoked or cancelled.

2. Records. See generally 47-11-80.

a. It shall be the responsibility of the ESF operator to ensure the EIA test results required, and § 47-13-1350 is presented, prior to the horse being unloaded at the ESF.

b. Horses which do not possess current negative EIA certification (or if required, a CVI) may not be unloaded, and must leave the premises immediately.

c. The ESF operator shall maintain a file for each sale date, which shall include, that information required by § 47-11-80, including but not limited to:

(1) a xerox copy of the official negative EIA certificate

(2) the name and address of the horse's owner

(3) the name and address of the person presenting the horse for sale (if different from its owner)

(4) the name of the horse and its lot number

(5) the name and address of any purchaser (or purchaser's agent)

d. It shall be the responsibility of the ESF operator to maintain those records in readable and complete form for two years from the date of the sale.

e. All records pertaining to an ESF sale shall be maintained on the permitted premises of the ESF, and made available to the Commission and its agents, upon request.

#### D. Equine Slaughter Assembly Point (ESAP)

##### 1. General

a. Upon entry to this facility, equine may not be diverted for any purpose other than immediate slaughter.

b. To be licensed under this Regulation, the facility must have a current written agreement with an official government approved equine slaughter establishment. A copy of said agreement must be provided to the Clemson University Livestock-Poultry Health Division with the permit application.

##### 2. Security

Adequate barns and pens must be of sufficient capacity and strength of enclosure to properly accommodate the anticipated number of animals that will be contained on the premise. There will also be required a perimeter fence at least two hundred yards from the hold facilities with gates locked when no facility personnel are present.

##### 3. Humane Housing and Care of Animals

Animals must be housed in a facility that meet generally accepted standards for humane care, including adequate protection from adverse weather conditions and under a roofed facility and adequate provision for food and water.

The facility must provide a method of restraining animals for such procedures as identification, testing and treatment and in a manner that protects as much as possible against injury to animals and people.

##### 4. Testing

Equine animals moving from S. C. premises to the Equine Slaughter Assembly Point may enter without a current EIA test.

Equine from other states may enter the facility without EIA testing or CVI provided they enter the state with identification acceptable to the State Veterinarian and are accompanied by a USDA Form 1-27 indicating they are moving to slaughter.

##### 5. Known EIA Positive Animals

No known positive EIA reactor horses may enter the facility from out-of-state sources.

#### 6. Records Required

- a. Date of Purchase
- b. Name and Address of Seller
- c. Identification
- d. Disposition

–When

–Where

–Proof of slaughter (require any existing negative EIAs as additional proof of slaughter be forwarded to State Veterinarian’s Office; Exception: Horses going to slaughter in Canada).

e. Available to LPHD personnel and accessible at reasonable hours and of a type that ensures accountability.

f. Records shall be maintained by facility for at least two (2) years.

#### 7. Movement of Animal From Facility

Any Equine after entering facility can leave only for shipment directly to slaughter, and may remain on the premises a maximum of fifteen (15) days.

Equine may be shipped to EASP’s in other states with prior approval of the State Veterinarian and the receiving state’s animal health authority. All known EIA positive horses must move on a USDA Form 1-27.

#### 8. Sign at Entry Point (Required Sign At Entry Gate)

An easily readable sign, at least 4 feet high by 8 feet wide, must be prominently displayed at the entrance to the facility. At the top of the sign in large, easily readable letters, the following wording must be listed, “This is an Equine Slaughter Assembly Point. By penalty of law, no animal may move from this facility except directly to slaughter”.

#### 9. Restrictions

No facility licensed for and used as an Equine Sales Facility may be licensed for use as an Equine Slaughter Assembly Point.

#### 10. Identification

All animals not otherwise identified must be identified when unloaded at the facility by a method acceptable to the State Veterinarian.

#### 11. Suspension of Operation Order

It is the responsibility of the operator of the facility to maintain adequate health care for all animals and to care for them in a humane fashion.

Failure to provide adequate care for animals at all times will result in temporary or permanent suspension of licensure by the State Veterinarian.

#### 12. Disestablishment

Once disestablished as an equine slaughter assembly point, the premises may not be used to house EIA negative equine, for a period of ninety (90) days after the departure of the last of any positive/exposed equine.

#### 13. Quarantine Requirements

Owners/operators of ESAP’s must comply with the quarantine requirements as established in 47-13-1360 at all times. If the owner/operator does not possess sufficient property to establish the required separation distance utilizing his own property, such separation distance may be achieved by lease, easement or other interest in contiguous and adjacent real property. It is the responsibility of the facility operator to ensure that no equine at the facility comes any closer than the mandatory minimum 200 yards distance to any other equine legally on contiguous or adjacent public or private property.

## **27-1017. Covering the Admission of Poultry.**

1. To facilitate the provisions of (R750,H3489) Section 2(b), and to protect the health of the poultry industry within the State of South Carolina and to protect the consumers of South Carolina egg products, all started poultry (poultry that has been fed and watered) entering the State shall have a prior permit approved by the State Veterinarian.

2. The prior permit request shall be on a form approved by the State Veterinarian and shall show such information as needed to assure that the birds to be imported are U. S. Pullorum-Typhoid Clean and have been exposed to no diseases or vaccines that will endanger the poultry residing in the State. In addition, there shall be a certification by the shipper that the poultry will be moved in cleaned and disinfected vehicles and containers in accordance with the Code of Federal Regulations, Title 9, Part 71. In addition, all egg type chickens must have originated from U. S. Sanitation Monitored stock.

3. Poultry for immediate slaughter at a USDA slaughter plant will be exempt from these provisions.

4. Started poultry, other than egg type chickens, that remain identified under the Plan as U. S. Pullorum-Typhoid Clean may be exempt from these provisions provided they are accompanied by proper NPIP certification on a current VS Form 9-2 or VS Form 9-3.

5. Poultry for exhibition may be exempt under 4 above or if accompanied with an approved interstate health certificate showing a negative test for Salmonella pullorum and Salmonella gallinarium within the last 30 days, that the certified poultry appears healthy, and has not been exposed to infectious or contagious disease including avian influenza, velogenic Newcastle disease, infectious coryza, or laryngotracheitis or any live virus for 30 days.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994.**

## **27-1018. Covering the Shipment of Dogs Into the State.**

1. All dogs to be transported or moved into the state for any purpose shall be admitted only when accompanied by an approved health certificate stating that the dog or dogs did not originate within an area under quarantine for rabies or an area where rabies is known to exist, even though not quarantined, has not been exposed to rabies, and has been vaccinated against rabies and identified by proper identification tag and certificate not more than twelve (12) months prior to shipment.

## **27-1019. Wild Animals.**

1. Wild animals and semi-wild animals under domestication or in custody may be imported into the state when accompanied by an approved health certificate.

## **27-1020. Intrastate Movement of Certain Animals.**

### **A. Sheep and Goats**

#### **1. Definitions**

a. Commercial hair sheep. Any commercial sheep with hair rather than wool that is either a full-blooded hair sheep or that resulted from the cross of a hair sheep with a white-faced wool sheep.

b. Commercial sheep or goat. Any animal from a flock from which animals are moved only either directly to slaughter or through slaughter channels to slaughter or any animal that is raised only for meat or fiber production and that is not registered with a sheep or goat registry or used for exhibition.

#### **c. Exposed animal:**

i. Any animal that has been in the same flock at the same time as a scrapie-positive female animal, excluding limited contacts; or

ii. Any animal born in a flock after a scrapie-positive animal was born into that flock or lambed in that flock, if born before that flock completes the requirements of a flock plan; or

iii. Any animal that was commingled with a scrapie-positive female animal during or up to 30 days after she lambed, kidded, or aborted, or while a visible vaginal discharge was present, or that was commingled with any other scrapie-positive female animal for 24 hours or more, including during activities such as shows and sales or while in marketing channels; or

iv. Any animal in a noncompliant flock.

d. Exposed flock. Any flock in which a scrapie-positive animal was born or lambled. Any flock that currently contains a female high-risk, exposed, or suspect animal that lambled in the flock and from which tissues were not submitted for official testing and found negative. A flock that has completed a post-exposure management and monitoring plan following the exposure will no longer be an exposed flock.

e. Official ear tag. An identification eartag approved by APHIS as being sufficiently tamper-resistant for the intended use and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Eartagging system of another system approved by APHIS, or it may bear a premises identification number that either contains or is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

f. Official identification. Identification mark or device approved by APHIS for use in the Scrapie Eradication Program. Examples are listed in 9 CFR 79.2(a)(2).

g. Official identification device or method. A means of officially identifying an animal or group of animals using devices or methods approved by the AHPHIS Administrator, including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of inspection from a recognized brand inspection authority.

2. Official identification is required upon change of ownership of all sheep and goats of any age not in slaughter channels and any sheep over 18 months of age as evidenced by eruption of the second incisor such that the animal may be traced to its flock of birth; provided however:

a. Commercial goats in intrastate commerce that have not been in contact with sheep are exempt from this identification requirement. If there is a case of scrapie in a commercial goat in South Carolina that originated in South Carolina and cannot be attributed to exposure to infected sheep, or if there is an exposed commercial goat herd in South Carolina, then this exemption is automatically revoked upon publication in the State Register that such disease has been detected. The Director shall proceed expeditiously to publish such notice, but in no case shall such notice be published more than 90 days after detection of such disease.

b. Commercial whitefaced sheep or commercial hair sheep under 18 months of age in intrastate commerce are exempt from this identification requirement. If there is a case of scrapie in the exempted class that originated in South Carolina, then this exemption is automatically revoked upon publication in the State Register that such disease has been detected. The Director shall proceed expeditiously to publish such notice, but in no case shall such notice be published more than 90 days after detection of such disease.

B. [Reserved]

**HISTORY:** Amended by State Register Volume 30, Issue No. 6, eff June 23, 2006; State Register Volume 31, Issue No. 6, eff June 22, 2007.

## **27-1021. Modified Live Virus Hog Cholera Vaccine.**

No modified live virus hog cholera vaccine shall be sold or distributed within the State except to an individual who holds a valid hog cholera vaccine permit from the State Veterinarian.

## **27-1022. State Poultry Products Inspection Regulation.**

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.

2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2017 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

**HISTORY:** Amended by State Register Volume 22, Issue No. 12, eff December 25, 1998; State Register Volume 24, Issue No. 12, eff December 22, 2000; State Register Volume 26, Issue No. 4, eff April 26, 2002; State Register Volume 27, Issue No. 10, eff October 24, 2003; State Register Volume 28, Issue No. 10, eff October 22, 2004; State Register Volume 30, Issue No. 1, eff January 27, 2006; State Register Volume 30, Issue No. 11, eff November 24, 2006; State Register Volume 31, Issue No. 12, eff December 28, 2007; State Register Volume 32, Issue No. 12, eff December 26, 2008; State Register Volume 33, Issue No. 12, eff December 25, 2009; State Register Volume 34, Issue No. 12, eff December 24, 2010; State Register Volume 35, Issue No. 12, eff December 23, 2011; State Register Volume 36, Issue No. 12, eff December 28, 2012; State Register Volume 37, Issue No. 12, eff December 27, 2013; State Register Volume 38, Issue No. 3, eff March 28, 2014; State Register Volume 38, Issue No. 12, Doc. No. 4489, eff December 26, 2014; State Register Volume 39, Issue No. 12, Doc. No. 4600, eff December 25, 2015; State Register Volume 40, Issue No. 12, Doc. No. 4674, eff December 23, 2016.

## **27–1023. State Meat Inspection Regulation.**

### **A. Definitions.**

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

### **B. Permit required; fee; application; refusal, revocation or suspension.**

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47–4–130, South Carolina Code of Laws (1976) as amended.

### **C. Adoption of Federal Meat Inspection Regulations.**

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300–321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416–418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2017 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

### **D. Exceptions to the Federal Meat Inspection Regulations.**

1. Subchapter A, Part 303 - Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.
2. Subchapter A, Part 307, Section 307.5(a) - Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) - Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 - Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 - Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 - Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 12, eff December 25, 1998; State Register Volume 24, Issue No. 12, eff December 22, 2000; State Register Volume 26, Issue No. 4, eff April 26, 2002; State Register Volume 27, Issue No. 10, eff October 24, 2003; State Register Volume 28, Issue No. 10, eff October 22, 2004; State Register Volume 30, Issue No. 1, eff January 27, 2006; State Register Volume 30, Issue No. 11, eff November 24, 2006; State Register Volume 31, Issue No. 12, eff December 28, 2007; State Register Volume 32, Issue No. 12, eff December 26, 2008; State Register Volume 33, Issue No. 12, eff December 25, 2009; State Register Volume 34, Issue No. 12, eff December 24, 2010; State Register Volume 35, Issue No. 12, eff December 23, 2011; State Register Volume 36, Issue No. 12, eff December 28, 2012; State Register Volume 37, Issue No. 12, eff December 27, 2013; State Register Volume 38, Issue No. 3, eff March 28, 2014; State Register Volume 38, Issue No. 12, Doc. No. 4488, eff December 26, 2014; State Register Volume 39, Issue No. 12, Doc. No. 4599, eff December 25, 2015; State Register Volume 40, Issue No. 12, Doc. No. 4673, eff December 23, 2016.

## **27-1024. Venezuelan Equine Encephalomyelitis—Embargo Notice.**

Effective on or after August 31, 1971, the embargo on the movement of equine species into South Carolina will only apply to those states where Venezuelan Equine Encephalomyelitis has been confirmed. Horses from those states, in order to be eligible for entry into South Carolina, will have to be accompanied by proof of vaccination showing the horses have been vaccinated more than 14 days prior to the date of movement, and be individually and properly identified on a health certificate. An entry permit must also be obtained from the State Veterinarian of South Carolina prior to movement.

## **27-1025. Cervidae Entering South Carolina.**

### **A. Definitions:**

1. “Accredited Herd” - A herd that has passed at least three (3) consecutive official tuberculosis tests of all eligible animals conducted at 10 to 14 month intervals, has no evidence of bovine tuberculosis, and meets the standards of the Uniform Methods & Rules (UMR).

2. “Qualified Herd” - A herd that has undergone at least one complete official negative test of all eligible animals within the past 12 months and is not classified as an accredited herd, has no evidence of bovine tuberculosis, and meets the standards of the UMR.

3. “Monitored Herd” - A herd on which identification records are maintained for animals 1 year of age and older that are slaughtered and inspected for tuberculosis at an approved State or Federal slaughter facility or an approved laboratory, and animals tested negative for tuberculosis in accordance with the requirements for interstate movement. The initial qualifying total herd size is the annual average of animals 1 year of age and older during the initial test period, which period shall not exceed 3 years. The animals slaughtered must be identified to the herd. The combined number of slaughtered and tested animals in the sample must be evenly distributed over a 3-year period and no less than half of the qualifying animals must be slaughter inspected. The rate to

detect infection at a 2-percent prevalence level with 95-percent confidence would be determined by herd size and Appendix I of UMR.

B. The following brucellosis/tuberculosis regulations concerning cervidae (deer, elk) will be met prior to entry.

1. Negative test for brucellosis within thirty (30) days before entry into South Carolina.

2. Tuberculosis testing:

(a) No animal with a response to any tuberculosis test is eligible for entry into South Carolina.

(b) Cervids that originate from accredited herds may be imported into South Carolina without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervids originated from an accredited herd.

(c) Cervids not known to be affected with or exposed to tuberculosis that originate from qualified herds may be imported into South Carolina if the animals are accompanied by a certificate stating that they originated from a qualified herd and have been classified negative to an official tuberculosis test that was conducted within 90 days prior to the date of movement. If the qualifying test was administered within 90 days of movement, the animal(s) to be moved do not require an additional test.

(d) Cervids not known to be affected with or exposed to tuberculosis that originate from monitored herds may be imported into South Carolina if they are accompanied by a certificate stating that such cervids originate from a monitored herd and have been classified negative to an official tuberculosis test that was conducted within 90 days prior to the date of movement.

(e) Cervids not known to be affected with or exposed to tuberculosis that originated from all other herds may be imported into South Carolina if they are accompanied by a certificate stating that such cervids have been classified negative to two (2) official tuberculosis tests that were conducted no less than 90 days apart, that the second test was conducted within 90 days prior to the date of movement, and that the animals were isolated from all other members of the herd during the testing period.

3. Individual identification. All animals must be individually identified.

4. Certificate of Veterinary Inspection. All animals must be accompanied by a Certificate of Veterinary Inspection

5. Permits required. A prior entry permit must be obtained from the Office of the S. C. State Veterinarian in addition to any other permits required by other state agencies.

C. Exemptions.

Institutions that have been accredited by the American Association of Zoological Parks and Aquariums (AAZPA) are exempt from these requirements when movement is between accredited member facilities. All other movements from AAZPA-accredited members must comply with these movement requirements.

**HISTORY:** Added by State Register Volume 17, Issue No. 3, eff March 26, 1993. Amended by State Register Volume 24, Issue No. 5, eff May 26, 2000.

## **27–1026. Quarantine of Garbage-Fed Swine.**

1. General.

This regulation is for the protection of the public health and animal health. It shall not in any way be construed to prevent an individual owner from feeding his swine his own household garbage; however, such swine must be for said owner's personal household use and consumption and such swine may not be sold, offered for sale, or ownership otherwise transferred except in compliance with this regulation.

2. Definitions.

A. Division—means the Livestock-Poultry Health Division, Clemson University.

B. Enforcement Officer—means any veterinarian, livestock law enforcement officer or livestock inspector of the Livestock-Poultry Health Department, Clemson University or personnel of cooperating federal veterinary service agency acting pursuant to a cooperative agreement.

C. Garbage—means any animal wastes, including unprocessed dairy products, resulting from handling, preparation, cooking and consumption of foods, including animal carcasses and/or parts thereof or contents of offal.

D. Premises—means the area owned or controlled by the owner of the swine being tested, investigated or quarantined, whereon the swine are kept or fed by the owner or his agent, and includes adjacent sheds, barns, food storage areas, pens, pastures and enclosures.

E. Quarantine—means restrictions placed on free movement of animals on reasonable public health grounds.

F. State Veterinarian—means Director, Livestock-Poultry Health Department, Clemson University.

### 3. Reporting Requirements.

All persons shall report to the State Veterinarian all swine which are suspected to have been garbage-fed within the prior 30 days.

### 4. Investigations.

A. Enforcement Officers shall investigate reports of garbage-fed swine. Each premise from which the swine originated, or on which the swine are kept, will be inspected to ascertain whether there is a reasonable belief that the swine have been fed garbage within the preceding thirty days from sources other than the owner's personal household. If the enforcement officer reasonably concludes, based upon experience and objective evidence, that swine have been fed garbage from such sources, he shall quarantine the swine present on the premises.

B. In determining whether the garbage is from sources other than the owner's household garbage, the Enforcement Officer will consider, among other factors, the quantity and nature of the garbage, the size and number of the swine and the number of persons in the owner's household.

### 5. Quarantine.

A. The quarantine shall commence immediately upon notice and shall be for a period of thirty (30) consecutive days from the date the premises are declared garbage free and during which period no garbage is fed to the swine. The Enforcement Officer shall determine the garbage-free date by a close physical inspection of the premises and shall consider, but is not limited to, these factors: vermin; objects not normally considered as swine food, such as paper or plastic wrappers, containers, utensils, bottles, etc.; available quantities of regular swine rations; putrescent odors; physical condition of the swine; bones, meat scraps, offal; unconsumed human food items; and the general condition of the swine enclosure.

B. If in the opinion of the Enforcement Officer, remediation of the site is necessary, he will inform the owner of those measures in writing. It shall thereafter be the owner's responsibility to contact the Enforcement Officer for a reinspection.

C. Notice of the quarantine and of necessary remediation shall be in writing and shall be served on the owner either personally, by depositing such notice in the first class mail or by prominently displaying such notice on the premises.

D. The Enforcement Officer will make periodic announced and unannounced reinspections of the premises during the quarantine period and shall inform the owner of any deficiencies/problems noted.

E. Evidence that garbage has been fed to the quarantined swine during the 30 day period will be considered a violation of the quarantine. The premises must again be certified as garbage free before the 30 day period can recommence.

F. The owner must account for each swine on the premises throughout the quarantine period.

G. No swine may leave the premises from the time the quarantine is announced, until the quarantine is officially removed except by written approval of the State Veterinarian's Office.

H. The quarantine will not be removed until the swine have spent thirty (30) consecutive days on garbage free premises, the Enforcement Officer has received negative results on blood tests administered to the swine and the quarantine has been formally removed in writing. All required tests will be performed by the Division free of charge to the owner.

### 6. Transfers.



Ownership of swine in quarantine may be transferred; however, the swine may not leave the premises until officially released by the Enforcement Officer. Should such transfer be made, the old owner must notify the Division of the new owner's name, address and telephone number. Sale or offering of swine for sale must be in accordance with § 47-15-10 et seq., S. C. Code of Laws (1976) as amended.

#### 7. Appeals.

Appeals may be addressed, in writing, to the State Veterinarian, P. O. Box 102406, Columbia, SC 29224-2406. Each appeal shall include: the full name, address and telephone number of appellant; the specific event complained of; specific reasons why the decision is in error; and requested relief.

**HISTORY:** Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 25, Issue No. 5, Part 1, eff May 25, 2001.

### **27-1027. Importation of Ratites (Ostrich, Emu, Rhea and Other Flightless Birds in the Family Ratitae).**

(1) Effective immediately, no ratite may be imported into the State of South Carolina for any purpose unless the animal is accompanied by an Official Certificate of Veterinary Inspection issued by a licensed accredited veterinarian of the state of origin.

(2) The Official Certificate of Veterinary Inspection shall state that the ratite is not showing signs of infectious, contagious or communicable disease and that the ratite has had a negative Avian Influenza test within ten (10) days prior to entry into South Carolina. Further, it will show the ratite's permanent identification number and the South Carolina entry permit number.

(3) South Carolina entry permit numbers may be obtained by calling the Office of the State Veterinarian, Columbia, South Carolina at telephone number 803/788-2260, Monday through Friday, 8:00 a.m. to 4:30 p.m. (EST).

**HISTORY:** Added by State Register Volume 18, Issue No. 5, eff May 27, 1994.

### **27-1028. Animal Proteins Prohibited in Ruminant Feeds.**

#### A. Definitions.

(1) Protein derived from mammalian tissues means any protein-containing portion of mammalian animals, excluding: Blood and blood products; gelatin; inspected meat products which have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings); milk products (milk and milk protein); and any product whose only mammalian protein consists entirely of porcine or equine protein.

(2) Renderer means any firm or individual that processes slaughter byproducts, animals unfit for human consumption, or meat scraps. The term includes persons who collect such materials and subject them to minimal processing, or distribute them to firms other than renderers (as defined here) whose intended use for the products may include animal feed. The term includes renderers that also blend animal protein product.

(3) Blender means any firm or individual which obtains processed animal protein from more than one source or from more than one species, and subsequently mixes (blends) or redistributes an animal protein product.

(4) Commission means the State Livestock-Poultry Health Commission.

(5) Feed manufacturer includes manufacturers of complete and intermediate feeds intended for animals, and includes on-farm in addition to off-farm feed manufacturing and mixing operations.

(6) Nonmammalian protein includes proteins from nonmammalian animals.

(7) Distributor includes persons who distribute or transport feeds or feed ingredients intended for animals.

(8) Ruminant includes any member of the order of animals which has a stomach with four chambers (rumen, reticulum, omasum, and abomasum) through which feed passes in digestion. The order includes, but is not limited to, cattle, buffalo, sheep, goats, deer, elk, and antelopes.

B. Food additive status. The Food and Drug Administration has determined that protein derived from mammalian tissues for use in ruminant feed is a food additive subject to section 409 of the

Federal Food, Drug, and Cosmetic Act (the Act). The use or intended use in ruminant feed of any material that contains protein derived from mammalian tissues causes the feed to be adulterated and in violation of the act, unless it is the subject of an effective notice of claimed investigational exemption for a food additive under 21 CFR Section 570–17.

C. Requirements for renderers that are not included in paragraph D of this section.

(1) Renderers that manufacture products that contain or may contain protein derived from mammalian tissues and that are intended for use in animal feed shall take the following measures to ensure that materials identified in paragraph B of this regulation are not used in the feed of ruminants:

(a) Label the materials and any associated documents (such as bills of lading, invoices, etc.) as follows: “Do not feed to cattle or other ruminants”; and

(b) Maintain records sufficient to track the materials throughout their receipt, processing, and distribution, and make the copies available for inspection and copying by inspectors designated by the commission.

(2) Renderers described in paragraph C(1) of this section will be exempted from the requirements of paragraphs C(1)(a) and C(1)(b) of this regulation if they:

(a) Use exclusively a manufacturing method that has been validated by the Food and Drug Administration to deactivate the agent that causes transmissible spongiform encephalopathy (TSE) and whose design has been made available to the public;

(b) Use routinely a test method that has been validated by the Food and Drug Administration to detect the presence of the agent that causes TSE's and whose design has been made available to the public. Renderers whose products test positive for agents that cause TSE's must comply with paragraphs C(1)(a) and C(1)(b) of this regulation. Records of the test results shall be made available for inspection by inspectors designated by the Commission; or

(c) Use exclusively a method for controlling the manufacturing process that minimizes the risk of the TSE agent entering the product and whose design has been made available to the public and validated by the Food and Drug Administration.

(d) Notify the Commission in advance of the manufacturing method, the test method utilized and the method of controlling the manufacturing process, as specified in subsections (a), (b), and (c) above. The commission must also be notified in advance of any changes in these required procedures.

(3) Renderers described in paragraph C(1) of this regulation will be exempted from the requirements of paragraph C(1)(b) of this regulation if they use a permanent method, approved by FDA, to make a mark indicating that the product contains or may contain protein derived from mammalian tissue. If the marking is by the use of an agent that cannot be detected on visual inspection, the renderer must use an agent whose presence can be detected by a method that has been validated by the Food and Drug Administration and whose design has been made available to the public.

D. Requirements for persons that intend to separate mammalian and nonmammalian materials.

(1) Renderers that manufacture, process, blend, and distribute both products that contain or may contain protein derived from mammalian tissues or feeds containing such products, and protein products from other animal tissues or feeds containing such products, and that intend to keep those products separate shall:

(a) Comply with paragraphs C(1) or D(1) of this regulation as appropriate except that the labeling requirement shall apply only to products that contain or may contain protein derived from mammalian tissues or feeds containing such products:

(b) In the case of a renderer, obtain nonmammalian or pure porcine or pure equine materials only from single-species slaughter facilities;

(c) Provide for measures to avoid commingling or cross-contamination;

(1) Maintain separate equipment or facilities for the manufacture, processing, or blending of such materials; or

(2) Use clean-out procedures or other means adequate to prevent carry-over of products that contain or may contain protein derived from mammalian tissues into animal protein or feeds that may be used for ruminants; and

(d) Maintain written procedures specifying the clean-out procedures or other means, and specifying the procedures for separating products that contain or may contain protein derived from mammalian tissue from all other protein products from the time of receipt until the time of shipment.

(2) Renderers will be exempted from applicable requirements of paragraph C(1) of this section, if they meet the criteria for exemption under paragraphs C(2) or C(3) of this regulation.

E. Requirements for establishments and individuals that are responsible for feeding ruminant animals. Federal regulations require that establishments and individuals that are responsible for feeding ruminant animals shall maintain copies of purchase invoices and labeling for all feeds containing animal protein products received and that copies are available for inspection and copying by inspectors designated by the appropriate federal/state authorities.

F. Adulteration and misbranding.

(1) Animal protein products, and feeds containing such products, that are not in compliance with paragraphs C through E of this regulation, excluding labeling requirements, will be deemed adulterated under section 402(a)(2)(C) or 402(a)(4) of the Food and Drug Administration Act.

(2) Animal protein products, and feeds containing such products, that are not in compliance with the labeling requirements of paragraph (c) through (f) of this regulation will be deemed misbranded under section 403(a)(1) or 403(f) of the Act.

(3) In either event the material shall be detained and will not be released without the written approval of the commission.

G. Inspection; records retention.

(1) Records that are to be made available for inspection and copying, as required by this regulation, shall be kept a minimum of 1 year.

(2) Written procedures required by this regulation shall be made available for inspection and copying by inspectors designated by the Commission.

**HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.**

## **27-1029. Preapproval Requirements for Official Meat & Poultry Establishments.**

A. Drawings and Information to be Furnished.

Each applicant for inspection shall submit to the Director a set of complete drawings containing the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, handwashing basins and hose connections for cleanup purposes; a plot plan showing limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass; and a room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment.

B. Drawings and Room Schedules to be Furnished in Advance of Construction.

Drawings and room schedules for remodeling any official establishment (or part thereof) and for any new structures to be used as an official establishment must be submitted to the Director. Written approval must be obtained prior to commencing any remodeling, additions or building a new structure. The Director will issue appropriate directives stipulating minimum facility requirements.

C. Equipment and Utensils Approval.

Equipment and utensils used for preparing or otherwise handling any edible product, or ingredient thereof in any official establishment shall be of such material and construction as in the judgment of the Director will facilitate the thorough and adequate cleaning thereof and ensure cleanliness in the preparation and handling of all edible products and otherwise avoid adulteration and misbranding of such products. The Director will issue appropriate directives stipulating minimum equipment and utensil requirements.

D. Grant of Inspection.

Inspection service will not be provided and a grant of inspection issued until the Director has determined that the establishment has been constructed, and facilities and equipment are installed in accordance with the approved drawings and room schedules and facility, equipment and utensils requirements.

E. Labeling Approval.

No label shall be used on any edible product unless the label has been submitted to and approved by the Director in writing. The currently-approved label is the only label authorized to be used on any product, unless authorized by the Director.

**HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.**

**ARTICLE 16**  
**LIVESTOCK MARKETS**  
**SUBARTICLE I**  
**LIVESTOCK AUCTION MARKETS**

**27-1030. Definition of Terms to be Used in All Subarticles of These Rules and Regulations.**

(A) Livestock Auction Market Defined—A Livestock Auction Market shall be deemed to be a market operated by a person or persons, firm or corporation, that shall on a regularly scheduled day or days of each week offer to the general public for the sale of livestock the facilities of livestock assembly and holding pens, the services of an auctioneer, and the services of a veterinarian as prescribed under § 47-11-140 of the 1976 Code of Laws of South Carolina and as further prescribed under 27-1034 of these regulations. For the aforementioned services and facilities, the Livestock Auction Market operator shall receive from the owner of each animal sold a sum of money generally known as a commission fee.

(B) Livestock Defined—The term “livestock” for the purposes of these regulations shall refer to cattle, swine, sheep, goats, horses, mules and asses.

(C) Approved Disinfectant—The term “approved disinfectant” as hereinafter used in these regulations shall be deemed to be a disinfectant approved by the State Veterinarian.

(D) Seller—The term “seller” as hereinafter used in these regulations shall be the person, persons, firm or corporation who shall legally own the animals at the time they are presented for sale at the Livestock Auction Market, or any other public assembly for the sale of livestock, or it shall refer to that person who is acting as the duly authorized agent for the legal owner of said livestock.

(E) Buyer—The term “buyer” as hereinafter used in Subarticle I of these regulations shall be the person, persons, firm or corporation who shall purchase any livestock offered for sale through the Livestock Auction Market, or it shall refer to that person who is acting as the duly authorized agent for the buyer of said livestock.

(F) Livestock Auction Market Veterinarian—The term “Livestock Auction Market Veterinarian” as hereinafter used in Subarticle I of these regulations shall be any veterinarian authorized by the State Veterinarian to attend the Livestock Auction Market as official veterinarian under the provisions of § 47-11-140 of the 1976 Code of Laws of South Carolina.

(G) Highest Dollar—The term “highest dollar” as hereinafter used in Subarticle I of these regulations shall refer to a request by the seller that his livestock be sold through the Livestock Auction Market for dairy or breeding purposes or for other purposes, whichever shall bring him the highest monetary return.

(H) Official Brucellosis Blood Test—The term “official brucellosis blood test” as hereinafter used in these regulations shall be an agglutination test for brucellosis run on a serum sample obtained from blood of livestock and shall be that test conducted by the Official State Brucellosis Laboratory.

(I) Preliminary Brucellosis Blood Test—The term “preliminary brucellosis blood test” as hereinafter used in Subarticle I of these regulations shall be an agglutination test for brucellosis run on a serum sample obtained from blood of livestock and shall be that test conducted by the Auction Market Veterinarian according to the recommendations of the State Veterinarian.

(J) Swine and/or Hogs—When the term “swine and/or hogs” is hereinafter used in these regulations it shall refer to any age, weight, sex, or breed of the porcine species unless otherwise indicated.

(K) Serum—When the term “serum” is hereinafter used in these regulations it shall refer to anti-hog-cholera serum or antibody concentrate unless otherwise indicated.

(L) Modified Live Vaccine—When the term “modified live vaccine” is hereinafter used in these regulations it shall refer to modified hog cholera vaccine of rabbit or tissue culture origin unless otherwise indicated.

(M) Highest Bidder—When the term “highest bidder” is hereinafter used in these regulations it shall refer to that person making the highest bid on livestock offered for sale at auction and for the purpose of these regulations, that person shall be considered the buyer of the livestock with all responsibilities attendant thereunto.

(N) Sick hogs—When the term “sick hogs” is hereinafter used in these regulations it shall refer to swine that are infected with an infectious or contagious disease, or swine that are suspected of being infected with an infectious or contagious disease, or swine that have been exposed to an infectious or contagious disease or swine that are suspected of having been exposed to an infectious or contagious disease.

(O) Immediate Slaughter—When the term “immediate slaughter” is hereinafter used in these regulations it shall be deemed to mean that livestock purchased for immediate slaughter be slaughtered within 10 days.

(P) Official State Brucellosis Laboratory—The term “Official State Brucellosis Laboratory” as hereinafter used in these regulations shall be the Clemson Diagnostic Laboratory located at Pontiac, S. C., the mailing address being P. O. Box 218, Elgin, South Carolina 29045, or such other laboratory as designated by the State Veterinarian.

## **27-1031. Permits.**

(A) Permit—Any person or persons, firm or corporation wishing to operate a Livestock Auction Market shall make written application for a permit to operate said market to the State Veterinarian outlining the day or days of each week auction sales will be held and the facilities available for handling the various species of livestock offered for sale. All applications for a permit to operate a market shall be accompanied by a copy of the plans and specifications in detail of said Livestock Auction Market and premises. Livestock Auction Markets operating under permits obtained prior to the writing of these regulations shall be exempt from the provisions of 27-1031 of these regulations unless such existing permit should be revoked by the Technical Livestock Committee.

(B) Inspection of Livestock Auction Markets by Technical Livestock Committee—Upon inspection of the Livestock Auction Market by the Technical Livestock Committee or its agents, if it is found that suitable facilities are available and put in use as described under 27-1032 of Subarticle I of these regulations, a permit for operation of said Livestock Auction Market shall be issued by the State Veterinarian.

(C) Revocation of Permits—All permits issued and previously issued by the Technical Livestock Committee shall be valid unless revoked by the Technical Livestock Committee for lack of cooperation in complying with the law, rules and regulations.

(D) Display of Permit—The Livestock Auction Market Operator shall display the permit for operation in a suitable place for public inspection.

## **27-1032. Facilities for Handling Livestock and for Cleaning and Disinfecting of Livestock Auction Markets.**

(A) Facilities—Proper facilities for handling livestock shall consist of suitable pens in sufficient numbers for holding each species of livestock apart and separate. Separate pens shall be provided for livestock which may be suspected of being infected with or exposed to a contagious disease or which may show a positive reaction to a test indicating they are infected with a contagious disease.

(B) Restraint of Livestock for Examination—A satisfactory chute, holding pens and other facilities necessary, shall be available to restrain livestock for the purpose of examining, testing, and immunizing against contagious or infectious diseases.

(C) Facilities for the Livestock Auction Market Veterinarian—Facilities shall be provided for the Livestock Auction Market Veterinarian for the purpose of conducting the preliminary brucellosis blood

test and for keeping such equipment, drugs and supplies as may be necessary to the conduct of his official duties.

(D) Cleaning and Disinfection—The premises, including yards, pens, alleys, and chutes shall be cleaned and disinfected in an approved manner following each sale in order to destroy any type of material which might be infected with any agent suspected of having been exposed to or harboring the causative agent or agents of any contagious or infectious disease affecting livestock.

(1) All areas within the Livestock Auction Market shall be cleaned and/or raked to the earth, and all manure and refuse removed from the Livestock Auction Market and such areas be sprayed with an approved disinfectant within 48 hours prior to the next sale.

(2) All areas in the Livestock Auction Market shall be properly drained.

(3) Bedding or the type bedding used shall be optional.

### **27-1033. Records.**

(A) Records—Records shall be maintained according to § 47-11-80 of the 1976 Code of Laws of South Carolina. The term “complete record” as stated in the law shall include the complete name and mailing address of buyers and sellers of all livestock.

### **27-1034. Livestock Auction Market Veterinarian.**

(A) Who Shall Provide the Services of the Livestock Auction Market Veterinarian—The Clemson University Livestock-Poultry Health Division shall furnish the services of a veterinarian to attend the Livestock Auction Market on the day of regularly scheduled sales. For this purpose the State Veterinarian may approve an accredited Deputy State Veterinarian to assist in the inspection, examination and treatment of livestock in order to control and prevent the spread of contagious and infectious diseases.

(B) Who Shall Provide Help for the Veterinarian—The operator of a Livestock Auction Market shall work out a satisfactory agreement between him and the seller and/or buyer to furnish the Veterinarian sufficient help in the examination treatment, or testing of livestock.

### **27-1035. Specific Regulations Covering the Handling, Treating, Testing and Examination of Cattle.**

(A) Brucellosis Testing—Upon request of the buyer or seller and/or according to the provisions of 27-1035 of these regulations the Livestock Auction Market Veterinarian shall take a blood sample from cattle and shall test the blood in a manner approved by the State Veterinarian to determine if the cattle tested are free from serological evidence of the disease known as brucellosis or if serological evidence exists that such cattle tested have, or may have, the disease known as brucellosis. This test will be a preliminary blood test and cattle sold as brucellosis negative based upon the results of this test, will be sold as such subject to a re-test of the same blood by the Official State Brucellosis Laboratory.

(B) Fees for the Livestock Auction Market Veterinarian—The veterinarian shall charge a fee of 75or each cow blood tested for brucellosis.

(C) Which Cattle Are to Be Tested—All female cattle and bulls over 6 months of age shall be blood tested for brucellosis with the following exceptions:

(1) Cattle that are to be sold for immediate slaughter;

(2) Cattle consigned to recognized feed lots for feeding purposes;

(3) Dairy cattle under 20 months and beef cattle under 24 months of age that have been officially vaccinated against brucellosis, unless the buyer or owner shall request a blood test; such vaccination shall be subject to confirmation by the State Veterinarian;

(4) Cattle from certified herds when such certification is current and proof of certification is presented with the cattle;

(5) Cattle that have been tested and found negative to brucellosis within not more than 30 days prior to the date of the Livestock Auction Market Sale and when such cattle are accompanied by an official brucellosis test chart properly executed.

(D) Wherein Cattle Are Brucellosis Tested—Cattle shall be presented at the Livestock Auction Market prior to the sale and the seller or his agent shall indicate whether such cattle are to be sold for dairy or breeding purposes or for the highest dollar.

If the owner elects to sell his cattle for any of the foregoing, they shall be blood tested for brucellosis. The Livestock Auction Market Veterinarian shall take a blood sample from the cattle and shall run a preliminary brucellosis blood test on the serum. If the cattle be negative to this preliminary test, they or she may be sold as brucellosis negative subject to a re-test of the blood by the Official State Brucellosis Laboratory.

If cattle react to the preliminary blood test in serial dilutions that would classify the animal a suspect to brucellosis, then said cattle must be sold for immediate slaughter or returned to the seller's premises under quarantine. If cattle react to the preliminary blood test in serial dilutions that would classify the cattle as reactors, then such animal or animals must be branded and tagged by the Livestock Auction Market Veterinarian as brucellosis reactors and sold for immediate slaughter or returned to the seller's premises under quarantine.

## **27-1036. Specific Rules and Regulations Regarding the Sale of Swine.**

(A) Swine to Be Treated Against Hog Cholera Except as Noted Under Paragraphs B, C, D, and I—All swine entered into a Livestock Auction Market for other than immediate slaughter shall be inoculated against hog cholera using serum alone. The dosage of serum shall be determined by agreement between the State Veterinarian and the Livestock Auction Market Veterinarian. All swine so inoculated shall be properly identified by an ear tag or other means of identification furnished to the market veterinarian by the Livestock-Poultry Health Division.

(B) Hog Cholera Treatment of Sows and Their Pigs—Pregnant sows and gilts shall be given anti-hog-cholera serum alone. Pigs suckling the dam, when both are entered in the sale and both are purchased by the same owner, may be given serum alone.

(C) Hog Cholera Treatment of "No Sale" Hogs—Hogs being entered into a Livestock Auction Market and subsequently not being sold, shall, before they are allowed to leave the Livestock Auction Market, be inoculated against hog cholera according to the provisions of § 47-11-110 of the 1976 Code of Laws of South Carolina and 27-1036(A) of these rules and regulations, except as noted under 27-1036(B) and (D).

(D) "No Sale" Hogs Moved for Immediate Slaughter—When hogs enter a Livestock Auction Market and the owner subsequently elects not to sell such, the Livestock Auction Market Veterinarian may issue the owner a permit to move such hogs for immediate slaughter without inoculating them against hog cholera, provided that the Scale Ticket or a receipt for sale from the Slaughtering Establishment to which the hogs move is returned to the Livestock Auction Market Veterinarian.

(E) Restriction on Entering Market—No swine, except for immediate slaughter, shall enter a market more than 24 hours prior to a sale, and those swine entering a market not for immediate slaughter shall be inoculated with serum within 24 hours following termination of the sale.

(F) Quarantine Pens—Separate pens shall be provided for holding hogs which have or are suspected of having been exposed to a contagious or infectious disease, and said pens shall be properly identified.

(G)(1) Disposition of Sick or Exposed Hogs—If sick hogs are noted prior to unloading at the Livestock Auction Market, then it shall be the right and duty of the Livestock Auction Market Veterinarian, the Livestock Auction Market Operator or his employees, or any veterinarian or livestock inspector or livestock Law Enforcement Officer employed by the State Veterinarian or the Animal and Plant Health Inspection Service, United States Department of Agriculture, to refuse permission for such hogs to enter the Livestock Auction Market. It shall be the duty of any State or Federally employed Veterinarian or Livestock Inspector, or the Livestock Auction Market Veterinarian to issue a quarantine to the owner of such hogs and such hogs shall be returned to the premises of the owner under said quarantine, until the cause of the illness or suspected illness can be determined by the State Veterinarian.

(2) When Sick Hogs Are Noted in the Auction Market—If sick hogs are noted in the Livestock Auction Market, such hogs shall be moved to a quarantine pen and the seller of such hogs shall either return them to his premises under an official State quarantine until the cause of such illness or

suspected illness can be determined by the State Veterinarian, or send them to immediate slaughter subject to inspection.

(H) Who Shall Quarantine Livestock—The Livestock Auction Market Veterinarian shall have the right and shall be expected to issue a quarantine verbally or in writing on livestock sick of, or suspected of being sick of or exposed to a contagious or infectious disease. Any veterinarian or Livestock Inspector or Livestock Law Enforcement Officer employed by the State Veterinarian or the Animal and Plant Health Inspection Service, United States Department of Agriculture, in the absence of or in cooperation with the Livestock Auction Market Veterinarian shall also be empowered to issue quarantines.

(I) Hog Cholera Treatment of Swine Interstate to Certain States—Swine consigned for interstate movement may be treated with anti-hog-cholera serum alone or antibody concentrate alone to states whose laws, rules and regulations provide for such prophylaxis. Such swine must be moved interstate within 5 days (120 hours) after receiving such prophylaxis.

(J) Identification of Swine Sold for Slaughter—Swine sold for slaughter shall be identified by a yellow paint mark at least 3 by 3 inches, and accompanied by an original slaughter certificate indicating the date, name of market, name and address of buyer, the number of swine, and the signature of the buyer or his agent. A copy of the slaughter certificate will be furnished to the State Veterinarian's office. The market shall be responsible for marking the swine and issuing the slaughter certificate.

### **27-1037. Guarantee of Health Status.**

The Livestock Auction Market Operator, the Technical Livestock Committee, the State Veterinarian, or any of their employees, agents, or authorized representatives, shall not be held responsible for or guarantee the health status of any animals examined, treated and/or offered for sale or sold through the said market; provided, further, that any dissatisfaction or controversy about the health status of an animal shall be the responsibility of the seller and buyer.

### **27-1038. Penalties**

Any person or persons, firm or corporation who shall operate a Livestock Auction Market contrary to the above rules and regulations, and who shall fail to cooperate with the State Veterinarian, his assistant duly authorized representative, and/or the Technical Livestock Committee, in preventing, controlling, and eradication of contagious, infectious and communicable diseases of livestock, shall be subject to punishment in accordance with the laws, rules and regulations pertaining thereto.

## **SUBARTICLE II DAILY SALES BARN**

### **27-1040. Definition of Terms to be Used in Subarticle II.**

(A) Definition of a Daily Sales Barn—A Daily Sales Barn shall be deemed to be a market that shall on a continuing daily basis or on several days of each week purchase livestock from the general public, such livestock being intended for resale for immediate slaughter or for resale for return to a farm or premises for breeding or feeding purposes.

(B) Immediate Slaughter—The term "Immediate Slaughter" as used in 27-1040(A) as used hereinafter in Subarticle II of these regulations shall be deemed to mean that the livestock purchased for immediate slaughter by a Daily Sales Barn operator will be sold for slaughter within no less than 10 days from the date of purchase by the Daily Sales Barn operator.

(C) Definition of Terms Under Subarticle I, 27-1030—All terms defined under Subarticle I, 27-1030, shall be applicable to Section II, except those terms specifically defined and described under Subarticle I, 27-1030 as being applicable only to Subarticle I.

### **27-1041. Permits.**

(A) Permits Described—On or after August 1, 1962, any person, persons, firm or corporation wishing to operate a Daily Sales Barn shall make written application to the State Veterinarian and shall show the full name and address of all persons having a financial interest in the Daily Sales Barn, the name of the officer, manager and person in charge, the name under which the market will operate, the location and facilities for holding and segregating livestock.



(B) Inspection, Grant and Revocation of Permit—Upon filing of the application of the forms prescribed, the Technical Livestock Committee shall make an official inspection of the premises of the applicant and if the owner of the proposed market can comply with the provisions of this regulation, the State Veterinarian shall issue the permit. This permit may be revoked by the Technical Livestock Committee for violations of the provisions of the regulations.

(C) Duration of Permits—All permits issued under the provisions of these regulations shall be effective until revoked for cause.

(D) Display of Permit—The Daily Sales Barn Operator shall display the permit for operation in a suitable place for public inspection.

### **27-1042. Facilities for Handling Livestock and for Cleaning and Disinfecting the Daily Sales Barn.**

(A) Facilities—Proper facilities for handling livestock shall consist of suitable pens in sufficient numbers for holding species of livestock apart and separate. Separate pens shall be provided for livestock which may be suspected of being infected with or exposed to a contagious disease.

(B) Restraint of Livestock for Examination—A satisfactory chute, holding pens and other facilities necessary shall be available to restrain livestock for the purpose of examining, treating, testing and immunizing against contagious or infectious diseases.

(C) Facilities for the Daily Sales Barn Veterinarian—Facilities shall be provided as necessary for the use of the Sales Barn Veterinarian in the conduct of his official duties.

(D) Cleaning and Disinfection—The premises, including yards, pens, alleys, and chutes shall be cleaned and disinfected in an approved manner that the State Veterinarian shall deem necessary.

(E) Drainage—All areas in the Daily Sales Barn shall be properly drained.

(F) Bedding—Bedding or the type of bedding shall be optional.

### **27-1043. Records.**

(A) Records—Records shall be maintained according to § 47-11-80 of the 1976 Code of Laws of South Carolina and shall be further maintained as specifically required by the State Veterinarian.

### **27-1044. Daily Sales Barn Veterinarian.**

(A) Daily Sales Barn Veterinarian—The Daily Sales Barn Operator shall on a private treaty basis employ the services of a licensed, accredited veterinarian and such veterinarian shall be one who is approved by the State Veterinarian.

(B) Duties of the Daily Sales Barn Veterinarian—It shall be the duty of the Daily Sales Barn Veterinarian to visit the Daily Sales Barn at least once each week. He shall make an inspection of the facilities of the Daily Sales Barn to determine that all provisions of these regulations are being observed. He shall observe the livestock to determine the presence of sick animals, if any. If any sick animals are noted, he shall immediately quarantine the premises, allowing only healthy livestock to move to immediate slaughter under permit, and he shall notify the State Veterinarian of his action.

The Daily Sales Barn Veterinarian shall make a weekly report on the forms provided by the State Veterinarian's Office making a list of any discrepancies noted, and he shall leave the form on file with the Daily Sales Barn Operator, and this form shall be handed over to the State Veterinarian or his authorized agent upon their request.

### **27-1045. Specific Regulations Covering the Handling, Treating, Testing and Examination of Cattle.**

(A) Records—Complete records shall be maintained and made available to the State Veterinarian or his authorized agent upon request. Such record shall show the date of purchase, from whom purchased, and the date the cattle are sold and to whom sold and for what purpose sold.

(B) Cattle for Immediate Slaughter—Cattle purchased for re-sale for immediate slaughter shall be re-sold for immediate slaughter in not less than 10 days from the date of purchase.

(C) Cattle for Feeding Purposes—Cattle purchased for re-sale for feeding purposes shall be re-sold for feeding purposes in not less than 10 days from date of purchase.

(D) Cattle for Dairy or Breeding Purposes—Cattle purchased for dairy or breeding purposes shall be re-sold for dairy or breeding purposes in not less than 10 days from date of purchase, provided that such cattle shall have a blood sample taken from them by the Daily Sales Barn Veterinarian, such blood sample to be submitted to the Official Brucellosis State Laboratory, and such cattle to be negative to brucellosis according to the Official Brucellosis State Laboratory prior to being moved from the Daily Sales Barn. The following classes of cattle may be exempt from the brucellosis blood test:

- (1) Cattle under 30 months of age that have been officially vaccinated against brucellosis and proof of vaccination is established by the Sales Barn Veterinarian;
- (2) Cattle from certified herds when such certification is current and proof of certification is established by the Daily Sales Barn Veterinarian;
- (3) Cattle that have been tested and found negative to brucellosis within not more than 30 days prior to the date they are re-sold by the Daily Sales Barn and such cattle are accompanied by an official brucellosis test chart properly executed.

### **27-1046. Specific Rules and Regulations Regarding the Sale of Swine.**

(A) Records—Complete records shall be maintained and made available to the State Veterinarian or his authorized agent upon request. Such records shall show the date of purchase, from whom purchased, and the date such swine are re-sold and to whom they are re-sold.

(B) Hogs Purchased for Immediate Slaughter—Hogs purchased for immediate slaughter shall be re-sold for immediate slaughter in not less than 10 days from date of purchase.

(C) Hogs Purchased for Re-Sale for Feeding or Breeding Purposes—Any hogs purchased for re-sale back to a farm or premises for feeding or breeding purposes or for any purpose other than immediate slaughter, shall be vaccinated against hog cholera by the Daily Sales Barn Veterinarian with anti-hog cholera serum and modified live vaccine, subject to the exceptions noted under the provisions of Subarticle I, 27-1036(B) and (E), the dosage to be determined by agreement between the Daily Sales Barn Veterinarian and the State Veterinarian. Complete records shall be maintained on these hogs, as described in Subarticle II, 27-1046(A) and in addition, a record of vaccination giving the dosage or serum and vaccine, the date vaccinated, the identification of hog vaccinated, shall be on file with the bill of sale and shall be subject to examination by the State Veterinarian or his authorized agent upon request.

### **27-1047. Quarantine.**

(A) Reasons for Quarantine of Daily Sales Barn—If upon a visit by the Daily Sales Barn Veterinarian, the State Veterinarian or his authorized agent any livestock sick of or suspected of being sick of or exposed to any contagious or infectious disease are noted, the Daily Sales Barn shall be placed under quarantine until the cause of illness or suspected illness can be determined by the State Veterinarian. No further buying will be permitted until all healthy livestock have been moved to immediate slaughter under permit, all sick livestock have recovered or have been disposed of in a manner acceptable to the State Veterinarian and the entire Daily Sales Barn has been cleaned and disinfected in an approved manner and at least 24 hours have elapsed since the cleaning and disinfection.

### **27-1048. Penalties.**

Penalties—Any person who shall knowingly violate any provisions set forth in these regulations shall be subject to punishment in accordance with § 47-11-170 of the 1976 Code of Laws of South Carolina.

## **SUBARTICLE III DAILY BUYING STATION**

### **27-1050. Definition of Terms to be Used in Subarticle III.**

(A) Daily Buying Station Defined—A Daily Buying Station shall be deemed to be a market operated by a person or persons, firm or corporation, that shall on a continuing daily basis or on several days of each week, purchase livestock from the general public, such livestock to be re-sold only for the purpose of immediate slaughter and such livestock to be re-sold within not less than 10 days from date of purchase by the Daily Buying Station.

(B) Definition of Terms Under Subarticle I, 27-1030. All terms defined under Subarticle I, 27-1030, shall be applicable to Subarticle III except those terms specifically defined and described under Subarticle I, Paragraph 1, as being applicable only to Subarticle I.

## **27-1051. Permits.**

(A) Permit Described—On or after August 1, 1962, any person, persons, firm or corporation wishing to operate a Daily Buying Station shall make written application to the State Veterinarian on the forms furnished by the office of the State Veterinarian and shall show the full name and address of all persons having a financial interest in the Daily Buying Station, the name of the officer, manager and person in charge, the name under which the market will operate, the location and facilities for holding and segregating livestock, except that such markets as are operating presently as Daily Buying Stations and adhering to the requirements of these provisions need not apply for a new permit, provided the permit under which they are operating is current and valid, and they intend to continue as Daily Buying Stations, purchasing livestock only for immediate slaughter.

(B) Inspection, Grant and Revocation of Permit—Upon filing of the application on the forms provided, the Technical Livestock Committee shall make an official inspection of the premises of the applicant and if the owner of the proposed market can comply with the provisions of these regulations, the State Veterinarian shall issue the permit. This permit may be revoked by the Technical Livestock Committee for violation of the provisions of these regulations.

(C) Duration of Permits—All permits issued under the provisions of these regulations shall be effective until revoked for cause.

(D) Display of Permits—The permit shall be displayed in a suitable place for public inspection.

## **27-1052. Facilities for Handling Livestock and for Cleaning and Disinfecting the Daily Buying Station.**

(A) Facilities—Proper facilities for handling livestock shall consist of suitable pens in sufficient numbers for holding each species of livestock apart and separate.

(B) Cleaning and Disinfection—The premises including yards, pens, alleys, and chutes shall be cleaned and disinfected as the State Veterinarian may prescribe.

(C) Drainage—All areas in the Daily Buying Station shall be properly drained.

## **27-1053. Records.**

(A) Records—Records shall be maintained according to § 47-11-80 of the 1976 South Carolina Code of Laws and shall be further maintained as specifically required by the State Veterinarian. The term “complete record” as stated in the law shall include the complete name and mailing address of buyers and sellers of all livestock.

(B) Identification of Swine Sold for Slaughter—Swine sold for slaughter shall be identified by a yellow paint mark at least 3 by 3 inches, and accompanied by an original slaughter certificate indicating the date, name of market, name and address of buyer, the number of swine, and the signature of the buyer or his agent. A copy of the slaughter certificate will be furnished to the State Veterinarian’s office. The market shall be responsible for marking the swine and issuing the slaughter certificate.

## **27-1054. Quarantine.**

(A) For What Purpose Shall Quarantines Be Issued—When any livestock shall be noted that are sick of or are suspected of being sick of or are suspected of being exposed to an infectious or contagious disease.

(B) When Shall Quarantines Be Issued—When the State Veterinarian or his duly authorized agent shall visit the premises of the Daily Buying Station and shall note any livestock that are affected with an infectious or contagious disease or that are suspected of being infected with or exposed to an infectious or contagious disease, the State Veterinarian or his duly authorized agent shall quarantine the entire premises and livestock population of the Daily Buying Station until the cause of such illness or suspected illness can be determined by the State Veterinarian. No further buying will be permitted until all healthy livestock have been moved to immediate slaughter under permit, all sick livestock have recovered or been disposed of in a manner acceptable to the State Veterinarian and the entire Daily Buying Station shall be cleaned and disinfected in an approved manner and at least 24 hours have elapsed since the cleaning and disinfection. Upon the meeting of the foregoing requirements, normal buying operations may be resumed.

## **27-1055. Penalties.**

Any person who shall knowingly violate any provisions set forth in these regulations shall be subject to punishment in accordance with § 47-11-170 of the 1976 Code of Laws.

### **ARTICLE 17 SOUTH CAROLINA PESTICIDE CONTROL**

## **27-1070. Definitions.**

A. Director means the Director of the Division of Regulatory and Public Service Programs, Clemson University.

B. Department is the Department of Pesticide Regulation, a department within the Division of Regulatory and Public Service Programs, Clemson University, and the successor to the Department of Fertilizer and Pesticide Control and the Plant Pest Regulatory Service.

C. Business means any person, as defined in the Pesticide Control Act, engaging in activities regulated by the Act for hire or remuneration of any kind, including trade or barter, on the property of another. Business activity includes performing structural pest control activities, as defined below.

D. Performing structural pest control activities includes, but is not limited to, the use of any pesticide in, on, under, or immediately adjacent to any structure with the intent to prevent, destroy, repel or otherwise mitigate any pest or engaging in any other activities intended or claimed to mitigate pests in structures including the installation of devices. Structural pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides in, on, under, or immediately adjacent to any structure with the intent to prevent, destroy, repel, or otherwise mitigate any pest. (Licensing is mandatory in this category as per Section 27-1085 L, below.)

(1) The use of EPA-registered disinfectants for ordinary or disaster-recovery cleaning purposes is not a structural pest control activity, provided that no claims are made for the control of pests in the structure.

(2) The application of EPA-registered cleaning agents to the interior of ductwork as part of an ordinary cleaning process is not a structural pest control activity, provided that no claims are made for the control of pests in the structure or in the ductwork.

(3) The installation of animal traps in structures for the control of nuisance vertebrate pests other than commensal rodents (e.g. rats and mice) is not a structural pest control activity.

(4) Making an inspection for or issuing the Official South Carolina Wood Infestation Report, which must be issued by a licensed applicator as detailed below, is a structural pest control activity.

(5) Making pesticide treatment recommendations is a structural pest control activity.

(6) The inspection of a structure for the purposes of rendering an opinion as a consultant or expert regarding structural damage due to insects or other organisms, the adequacy of previous treatment or inspection, or similar issues regulated under these Regulations is not a structural pest control activity.

E. Warranty sales means the sale of renewable or non-renewable warranty coverage or contracts against structural pests, excluding guarantees of accuracy associated with the issuance of the Official S.C. Wood Infestation Report, which are not supported by any treatment or control measures. The re-issuance of warranties in the purchasing company's name following the purchase of one company by another is not a warranty sale, nor is the reinstatement of warranties on previously treated structures.

F. Branch office means any physical location at which business records are maintained separate from the main business office, or, if no records are maintained there, any location which three (3) or more employees utilize as their base of daily activities.

G. Termiticide means any pesticide or treated article intended to protect a structure against subterranean termites. The definition includes baits, all conventional soil-applied termiticides regardless of their mode of action, wood-treatment products such as borates when applied during or after construction, and construction materials impregnated with insecticides and intended to protect the structure from attack. It also includes stainless steel mesh, uniform-size sand or gravel materials, or

other physical barriers for which termite control, termite detection, or termite mitigation claims are made.

H. Pretreat and pretreatment refer to the subterranean termite control treatment performed on a building while it is under construction. This treatment is normally performed in several stages as the building is completed.

(1) For liquid treatments a pretreat is considered to begin on the day that the first application of chemical is made.

(2) For pretreatments performed with bait systems or physical barriers the treatment is considered to have begun when bait or monitoring stations are first installed.

(3) For pretreatments conducted with borate or other wood-treatment products the treatment is considered to have begun at the time the first application to the structure is made.

I. Pesticide use means the distribution, holding for distribution or sale, sale, mixing, loading, transportation, application, or storage of any material for which pesticidal claims are made.

J. Performing public health pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel, or otherwise mitigate any pest of public health significance or engaging in any other activities intended or claimed to mitigate pests of public health significance for compensation or as a government employee on the property of another, including the installation of devices. Public health pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel or otherwise mitigate any pest of public health significance. (Licensing is mandatory in this category as per Section 27-1085 L, below.)

(1) The use of EPA-registered disinfectants for ordinary or disaster-recovery cleaning purposes is not a public health pest control activity regulated by this Section.

(2) The installation of animal traps in or around privately-owned structures for the control of vertebrate pests of public health significance (e.g., rats and mice) is not a public health pest control activity regulated by this Section.

(3) The installation of animal traps and the distribution of poisons intended to control rat and mouse populations in or around municipal streets, utilities, and public buildings or in other public areas such as recreational and industrial parks, schools, public hospitals, and similar areas is a public health pest control activity regulated by this Section.

(4) The installation of ultraviolet flying insect traps, air curtains, screens, and similar devices is not a public health pest control activity regulated by this Section unless the devices emit or employ pesticides or public health protection claims are made.

K. Performing turf and ornamental pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel or otherwise mitigate any pest of publicly or privately owned turf or ornamental plantings for compensation or as a government employee on the property of another, including the installation of devices. Turf and ornamental pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel, or otherwise mitigate any pest of turf or ornamental plantings. (Licensing is mandatory in this category as per Section 27-1085 L, below.)

(1) The application of pesticides to ornamental plants in a greenhouse or nursery is not a turf and ornamental pest control activity regulated by this Section.

(2) The installation of irrigation systems and similar devices, including chemigation systems, is not a turf and ornamental pest control activity regulated by this Section.

(3) The application of fertilizers not mixed with pesticides or herbicides is not a turf and ornamental pest control activity regulated by this Section, nor is the spray or broadcast application of grass seed, mulch, or mixtures not containing materials registered as pesticides or for which pesticidal claims are made.

(4) Maintenance activities such as mowing, trimming, watering, and landscaping are not turf and ornamental pest control activities regulated by this Section, even if claims of weed reduction or plant health and growth are made.

L. Performing aquatic pest control activities includes, but is not limited to, the use of any pesticide with the intent to prevent, destroy, repel or otherwise mitigate any pest of publicly or privately owned waters, including ponds, lakes, oceans, rivers, streams, reservoirs, and impoundments, whether or not they are navigable, for compensation on the property of another or as a government employee, including the installation of devices. Aquatic pest control activities also includes the soliciting, advertising, or making of sales proposals in any form for any services involving the use of pesticides or devices with the intent to prevent, destroy, repel, or otherwise mitigate any pest of publicly or privately owned waters, including ponds, lakes, oceans, rivers, streams, reservoirs, and impoundments, whether or not they are navigable, for compensation on the property of another. (Licensing is mandatory in this category as per Section 27-1085 L, below.)

(1) The application of pesticides to ornamental aquatic plants in a greenhouse or nursery is not an aquatic pest control activity regulated under this Section.

(2) The installation of aeration systems and similar devices or the use of mechanical harvesters to remove vegetation is not an aquatic pest control activity regulated under this Section.

(3) The application of fertilizers not mixed with pesticides or herbicides is not an aquatic pest control activity regulated under this Section, nor is the use of dyes to suppress the growth of aquatic vegetation.

(4) The installation of devices to exclude, prevent, destroy, repel or otherwise mitigate aquatic pest animals is not an aquatic pest control activity regulated under this Section.

M. Structure and building mean any edifice to which activities regulated under these regulations are applied or proposed to be applied, including the area underneath and immediately adjacent to the foundation.

N. All pronouns and any variations thereof in these Regulations shall be deemed to refer to the masculine, feminine, neuter, singular, or plural, as the identity of the person or entity may require.

O. "Inactive license" means a commercial applicator's license or a non-commercial applicator's license which the Department has, after a qualified request from the license holder, placed in that status as per Section 27-1078 O, below.

P. "Continuing Certification Unit" (CCU) is a measure of the educational value of a course of study judged by the Department to be suitable for meeting the recertification requirements of Section 27-1078 N, below.

**HISTORY: Amended by State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 35, Issue No. 5, eff May 27, 2011.**

## **27-1071. Registration of Pesticides.**

A. All pesticide products must be registered with the Department for the period in which the products are offered for sale or distribution within the State.

(1) Registrations must be maintained for a period of two (2) years after the last shipment of product into the State in order to support materials remaining in the channels of trade after registration ceases. This requirement includes products distributed in bulk but does not include technical-grade pesticide material used for formulation into other pesticide products or pesticides distributed under an experimental use permit.

(2) Unregistered products must be removed from the retailer's shelves. The Director may, however, allow a reasonable period of time for the retailer to dispose of existing stocks of pesticides after the manufacturer or distributor has ceased to register the product with the State. The method of disposal shall be determined by the Director after appropriate consultations with the affected parties or their representatives.

B. The recipient of a Federal experimental use permit must notify the Director in writing of each experimental use permit issued to them under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for pesticides to be used in the State. The notification must be furnished within thirty (30) days after their receipt of the federal permit. The following information must be provided:

(1) A copy of the label accepted by the U. S. Environmental Protection Agency in connection with the permit. The accepted chemical name(s) of the active ingredients must appear on the label.

(2) A copy of the Experimental Use Permit issued by EPA, including the permit's identification number.

(3) A copy of the EPA letter establishing any relevant temporary tolerances.

(4) The location and acreage of each site within the State where the product will be used and the total amount of the product expected to be applied in the State.

(5) The crops or sites involved and the intended purpose or pest targeted by the applications.

C. The State hereby adopts the same requirements for labeling as established by the U. S. Environmental Protection Agency.

(1) The Department will normally accept a copy of the latest label accepted by the EPA for federal registration of the product, provided the label has been fully corrected with respect to changes requested by the EPA and provided the label is in compliance with the labeling requirements in existence at the time the label is submitted to the Department.

(2) Notwithstanding the above, the existence of Federally-accepted labeling does not obligate the Department to register any product for use in the State.

(3) The Director may refuse to register a product if in his opinion there is insufficient credible evidence regarding the formulation, efficacy, or suitability for use in South Carolina of the product.

(4) Before registering a product for use in South Carolina, the Director may require the submission of data satisfactory to him from the registrant specifically supporting any claims made through labeling or any other media about the efficacy, formulation, or suitability for use in South Carolina of the product.

**HISTORY: Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.**

## **27-1072. Special Permits.**

A. Special permits may be granted by the Director for the use of certain pesticides within the State under specific circumstances. These permits will be in the form of either a South Carolina registration to meet certain special local needs or a South Carolina experimental use permit to allow the gathering of data needed to obtain a State registration for a special local need.

B. State registrations for special needs are authorized under Section 24(c) of Public Law 92-516, and State experimental use permits are authorized under Section 5(f) of Public Law 92-516. The Director shall adhere to the requirements established by pertinent Federal regulations relative to these two sections when issuing such State registrations or State experimental use permits.

C. Basic criteria for initial consideration of products for State registrations and State experimental use permits will be the following:

(1) That there is a special local problem within the State which has created the requirement for the new product or for the amended labeling of a registered product and;

(2) That the essential purpose of the request appears to the Director to be to fulfill the special local need rather than circumvent the normal process of obtaining a Federal registration or a Federal experimental use permit.

D. State registrations may be issued for a period of one (1) year or less and shall be subject to the prescribed registration fee. State registrations may be renewed annually upon written application to the Director. These applications will be reviewed annually by the Department to ensure that the use of the product still meets the basic criteria set forth in paragraphs B and C above.

E. State experimental use permits shall be issued for a specified period of time, are not subject to a registration fee, and may be extended at the discretion of the Director after appropriate consultations with the affected parties or their representatives.

**HISTORY: Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.**

## **27-1073. Coloration and Discoloration.**

A. The Director shall use the Munsell Book of Color as a color standard as described in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136, et seq.).

**HISTORY: Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.**

## **27-1074. Pesticide Samples.**

A. Authorized agents of the Division of Regulatory and Public Service Programs are authorized to collect official samples of pesticide products manufactured, distributed, sold, or held for sale within the State.

B. Authorized agents of the Division of Regulatory and Public Service Programs are authorized to collect official samples of pesticides and pesticide residues from known or suspected application sites, adjacent areas, application equipment, containers, service containers, or other locations reasonably expected to contain such pesticides, pesticide use dilutions, or pesticide residues within the State.

C. The samples will be collected and transported by a standard procedure outlined by the Director, in order to promote uniformity of the samples.

D. Samples taken will be analyzed for deficiencies and adulteration, or for other purposes as deemed appropriate by the Director.

E. The results of the analysis of samples obtained under the above provisions may be used as the basis for regulatory action initiated under the provisions of the South Carolina Pesticide Control Act.

**HISTORY: Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.**

## **27-1075. Restricted Use Pesticide Classifications.**

A. The State may adopt the same list of restricted use pesticides and use patterns established by the U. S. Environmental Protection Agency.

B. The pesticides and use patterns restricted in the State are those so classified by the U. S. Environmental Protection Agency or so established at the discretion of the Director after appropriate consultations with the affected parties or their representatives.

C. Micro-encapsulated agricultural insecticides are especially toxic to honeybees and other pollinators. For the purposes of this section, a micro-encapsulated insecticide is any insecticide labeled or formulated for agricultural use, the active ingredient of which is micro-encapsulated in whole or in part. Such insecticides must be classified as Restricted Use and are subject to the following conditions:

(1) Micro-encapsulated insecticides formulated or labeled for agricultural use may be sold, offered for sale, distributed, or transferred only by licensed pesticide dealers.

(2) Micro-encapsulated insecticides formulated or labeled for agricultural use may be sold, distributed, or offered for sale only to persons who possess a current certified applicator's license and a permit to possess and apply such insecticide.

(3) Except as otherwise provided by law, no person shall possess or apply micro-encapsulated insecticides formulated or labeled for agricultural use to their own lands unless they possess a current private applicator's license and a valid permit to possess and apply such insecticides.

(4) Except as otherwise provided by law, no person shall apply micro-encapsulated insecticides formulated or labeled for agricultural use to the lands of another unless they possess a commercial applicator's license and a valid permit to possess and apply such insecticides.

(5) Any person desiring a permit to possess and apply micro-encapsulated insecticides formulated or labeled for agricultural use must submit on forms approved by the Department a request for such a permit. Such permit will incorporate the terms and conditions of issuance. Failure to comply with such terms and conditions will result in appropriate enforcement action.

(6) A person holding a valid Pesticide Dealer License is authorized by the terms of his license to possess micro-encapsulated insecticides formulated or labeled for agricultural use.

(7) Violations of this section shall be punished in accordance with Section 46-9-90, S. C. Code of Laws (1976) as amended.

D. The presence of descriptive phrases with a legally defined meaning on a pesticide label are enforceable restrictions on the distribution, sale, storage, and use of the affected product. Descriptions such as "certified applicator" or "pest control operator," for example, mean that the product can be distributed to or used by certified applicators only.

(1) It is a violation of this Section to sell or otherwise distribute products with restrictive label language to persons not meeting the qualifications specified by the label description.



(2) It is a violation of this Section for persons not meeting the qualifications specified on the product label to apply or otherwise use such products.

**HISTORY:** Amended by State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998; State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1076. Licensing of Pesticide Dealers and Dealer Records Maintenance.**

A. No person younger than eighteen (18) years-old will be licensed as a pesticide dealer.

B. Pesticide dealers must pass a written examination, unless already certified as commercial applicators.

C. Pesticide dealers must complete an application form published by the Department.

D. The prescribed fee must accompany the application.

E. The dealer's license cannot be substituted for any part of an applicator's license, nor does the obtainment of a dealer's license reduce an applicant's obligation to pass examinations or pay the full fees for an applicator's license.

F. Pesticide dealer's licenses shall expire on December 31<sup>st</sup>. Licenses may be renewed annually prior to January 1<sup>st</sup> by application to the Director and payment of the annual fee. A 25% penalty will be charged for renewal applications filed on or after January 1<sup>st</sup>. Licenses that are not renewed by April 1<sup>st</sup> of the calendar year following their expiration, may not be renewed without the applicant's passing another examination and re-applying for the license.

G. There must be a separate individual licensed as a dealer for each store, sales location, or branch sales yard, including multiple sales locations owned by the same person, which sell restricted use pesticides.

H. Pesticide dealers must maintain records of all sales or other distributions of Restricted Use Pesticide for a period of two (2) years after the date of such sale or distribution. Records must include at a minimum the name and pesticide applicator's license number of the individual to whom the sale or distribution was made. These records must be presented to the Director or his agents for review and duplication upon request at the expense of the Department.

**HISTORY:** Amended by State Register Volume 7, Issue No. 5, eff May 27, 1983; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1077. Certification and Licensing of Private Applicators.**

A. No person younger than eighteen (18) years-old will be licensed as a private applicator. In hardship cases, however, persons under the age of eighteen (18) may be licensed at the discretion of the Director after appropriate consultations with the affected parties or their representatives.

B. Private applicators are not required to demonstrate financial responsibility.

C. Persons holding a private applicators license may use or directly supervise the use of a pesticide which is classified for restricted use, but only for the production of an agricultural commodity on property owned or rented by them or their employer. Private applicators may apply pesticides on the property of another person only if the application is performed without compensation, or if the only compensation provided is the trading of personal services between producers of agricultural commodities.

D. Private applicators must accomplish all of the following prior to being certified and licensed:

(1) Complete an application form published by the Department.

(2) Complete a prescribed training program and pass an exam dealing with pesticides.

(3) Pay the pro-rated portion of the prescribed normal fee for the remainder of the licensing period in which the license is issued.

E. Persons holding valid commercial and noncommercial applicator licenses, if they desire, may obtain a private applicator's license simply by submitting the proper application form and the prorated fee for the remainder of the licensing period to the Director. Additional training is not required.

F. Private applicator licenses are issued in five (5) year licensing periods or recertification blocks. Blocks end in 2004, 2009, 2014, etc. Licenses are pro-rated and expire at the end of the block in which they are issued. During each recertification block after the one in which the license is issued

each private applicator must successfully complete five (5) Continuing Certification Units (CCUs) of training. Alternatively, the private applicator may complete the initial licensing requirements and re-apply to the Director for a license. All Continuing Certification Units (CCUs) must be approved in advance by the Department.

G. All applications of Restricted Use Pesticides to any crop or commodity while it is held in a commercial storage or processing facility must be made by or under the direct supervision of a commercial applicator certified in Category 1C.

**HISTORY: Amended by State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 35, Issue No. 5, eff May 27, 2011.**

## **27–1078. Certification and Licensing of Commercial Applicators.**

A. No person younger than eighteen (18) years-old will be licensed as a commercial applicator.

B. Commercial applicators must demonstrate to the Director the financial responsibility required by law, before the Director may issue a license.

C. Continuous financial responsibility is an on-going responsibility of the commercial applicator, and no commercial applicator may receive, purchase, apply, use, supervise, or conduct other application-related activities without the required financial responsibility in place.

(1) Category 3, 5, and 8 applicators must maintain financial responsibility in the amount of \$50,000 with an annual aggregate claims limit of not less than \$100,000.00 before performing any pest control activities, including advertising, as specified in Section 27–1085 L, below.

(2) Category 7 applicators must maintain comprehensive general liability financial responsibility of not less than \$100,000.00 combined single limit liability coverage, which must include both bodily injury and property damage coverage.

(3) Failure to maintain the requisite financial responsibility in any category shall cause the immediate and automatic suspension of the commercial applicator's license until such time as current financial responsibility is satisfactorily demonstrated to the Director. If the applicator fails to re-instate their financial responsibility within three months, or if their license expires sooner, the license is automatically revoked and must not be restored until the applicator has again completed the certification process, including the exams.

D. The insurance or surety company must be one licensed to do business in South Carolina, and must give at least ten days written notice by certified mail to the Department as a condition precedent to the cancellation by the surety or insurer, material change, or cancellation by the insured.

E. The above notwithstanding, commercial applicators are not relieved from liability for damages to persons or property caused by pesticides applied by or under the supervision of the licensee whether or not such use conforms to the requirements of the product label and the rules and regulations promulgated by the Director.

F. Financial Responsibility may be demonstrated by:

(1) A current public liability and property damage insurance policy and or certificate of insurance (issued by an insurance company). Binders are not acceptable.

(2) A certificate of self-insurance issued by the Workman's Compensation Commission. (Although this certificate is specifically designed to cover workman's compensation claims, the Department considers this certificate indicates sufficient assets to cover the liability requirements of the law).

G. All commercial applicators must provide a phone number where the commercial applicator can normally be reached during normal working hours. If this number changes, the Department must be notified within three (3) working days.

H. Persons holding a commercial applicator's license may use restricted use pesticides, but only for work in the specific categories in which the commercial applicator has demonstrated competence. Commercial applicator's licenses will be issued for the following categories of commercial pesticide-application operations:

(1) Agricultural Pest Control (Category 1).

(a) Plant (Category 1A).

(b) Animal (Category 1B).

- (c) Stored Product Pest Control (Category 1C).
- (d) Soil Fumigation (Category 1D).
- (2) Forest Pest Control (Category 2).
- (3) Ornamental and Turf Pest Control (Category 3).
- (4) Seed treatment (Category 4).
- (5) Aquatic Pest Control (Category 5).
- (6) Right-of-way Pest Control (Category 6).
- (7) Industrial, Institutional, Structural and Health-Related Pest Control (Category 7).
  - (a) General (Category 7A).
  - (b) Fumigation (Category 7B).
- (8) Public Health Pest Control (Category 8).
- (9) Regulatory Pest Control (Category 9).
- (10) Demonstration and Research Pest Control (Category 10).
- (11) Aerial Applicator (Category 11).
- (12) Miscellaneous (Category 12).
  - (a) Wood Preservative Treatment (Category 12A).
  - (b) Anti-fouling paint (TBT) Application (Category 12B).
  - (c) Small Animal Pest Control (Category 12C).
  - (d) Sewer Line Pest Control (Category 12D).
  - (e) Limited Herbicide Application (Category 12E).

I. Commercial applicators must accomplish the following prior to being certified and licensed:

- (1) Pass the Core examination, a basic test dealing with the minimum amount of subject matter considered essential to the safe use of restricted use pesticides.
- (2) Pass a separate Category examination for each of the practice areas listed above. Note: passing the core exam without passing a category exam does not entitle the applicant to use or supervise the use of Restricted Use pesticides or perform pest control activities in categories for which licensing is required.
- (3) Complete an application form published by the Department.
- (4) Fees for the examinations, licensing, and for certification in additional categories beyond the initial category of certification shall be as prescribed.

J. Aerial Applicators.

- (1) All aerial applicators of pesticides (including transient aircraft pilots) are subject to the same requirements outlined in paragraph D (1) above. All aerial applicators must be certified and licensed by the Department before applying restricted use pesticides by air within the State.
- (2) These regulations concerning aerial applicators do not in any way negate the regulations promulgated by the Aeronautics Division of the SC Department of Commerce or its successors.
- (3) Aircraft must be secured against theft and tampering in a manner as prescribed by the Director after appropriate consultations with the affected parties or their representatives.
- (4) Chemicals, use-dilutions, and their containers both on and off the aircraft must be secured in a manner as prescribed by the Director after appropriate consultations with the affected parties or their representatives.

K. Commercial applicator licenses shall expire on December 31st of each year.

L. Commercial applicator licenses are renewable annually by re-application to the Director prior to January 1st and payment of the prescribed annual fee. A 25% penalty will be charged for renewal applications filed after January 1st. Reexamination is not required for licenses renewed before April 1st as long as the recertification requirements of Section N, below, and continuous financial responsibility has been maintained as per Section 27-1078 C, above.

M. Commercial applicators holding valid licenses who desire to have a private applicators license may submit the proper application form and the prescribed fee to the Director. A private applicator license will be issued with no additional training required.

N. Recertification periods for commercial applicators are five (5) year periods, beginning January 1st of 1994 and ending on December 31st of 1998, 2003, 2008, and every five (5) years thereafter. During each recertification period after the one in which the license is issued each Commercial Applicator must accumulate no less than the number of Continuing Certification Units (CCUs) specified below for each category in which they are licensed, up to a maximum of 24 CCUs. Alternatively the applicator may complete the initial licensing requirements and re-apply to the Director for a license.

(1) All courses of study for which CCUs are requested must be submitted to the Department at least fifteen business days in advance of the date of the training. On-line, correspondence, or other self-study programs must be submitted for approval at least fifteen business days before being offered to participants. Submission of a program to the Department does not guarantee that it will receive CCUs.

(2) CCUs will be awarded as either category-specific or core-competency CCUs. Licensed applicators in categories in which licensing is mandatory must accumulate category-specific CCUs as indicated below before renewing their licenses. Licensed applicators holding certification in more than one category in which licensing is mandatory must accumulate the required number of category-specific CCUs for each mandatory category, up to a maximum of 24, as above.

(3) Once the required number of category-specific CCUs has been accumulated, either core-competency CCUs or additional category-specific CCUs may be used to fulfill the remaining CCU requirements.

(4) The Department will award CCUs based on its evaluation of the content of the course of study.

(5) Applicators certified in Category 7A must accumulate 20 CCUs in each recertification period, no less than 12 of which must be specific to Category 7A.

(6) Applicators certified in Category 7B must accumulate 10 CCUs in each recertification period, no less than 3 of which must be specific to Category 7B.

(7) Applicators certified in Category 3, 5, or 8 must accumulate 10 CCUs in each recertification period, no less than 3 of which must be specific to each category.

(8) Applicators certified in other categories must accumulate 10 CCUs in each recertification period.

(9) Applicators may obtain no more than one-half of the total number of required category-specific CCUs and no more than one-half of the core-competency CCUs during the last year of any recertification block. Applicators may "carry over" to the next recertification block any CCUs they obtain in excess of the minimum required, both category-specific and core-competency, during the final year of any recertification block.

O. The Department may at its discretion place a license into an inactive status at the request of the license holder for a period of not more than 5 years. During the inactive period the license holder is relieved of the requirement to show financial responsibility.

(1) Holders of inactive licenses must meet the recertification requirements set forth above, and must renew their licenses annually.

(2) No pesticide use or other activities regulated by this Section may be conducted or supervised using an inactive license.

P. Limited Herbicide Application (Category 12 E).

(1) Treatment of turf and ornamental plantings with a herbicide containing glyphosate as the sole active ingredient with "Caution" as the signal word, when performed as part of terrestrial landscape weed control for compensation on the property of another, requires only a Category 12E Limited Herbicide Application license provided that applications are performed using portable backpack and hand-held compressed-air sprayers, each of which is of no more than 5 gallons total capacity per applicator per site.

(2) Category 12E Limited Herbicide Application license holders may not use any other herbicides, rodenticides, miticides, fumigants, nematocides, insecticides, fungicides, Restricted Use Pesticides, any

products with a “Warning” or “Danger” signal word, or products with restrictive label language, except under the direct supervision of a Category 3 or other appropriate license holder. The presence of any rodenticides, miticides, fumigants, nematocides, insecticides, fungicides, Restricted Use Pesticides, any products with a “Warning” or “Danger” signal word, or products with restrictive label language as detailed in Section 27–1075 D above, on a vehicle or in application equipment under the control of a Category 12E Limited Herbicide Application licensee is also a violation of this Section.

(3) Applicators certified in Category 12E Limited Herbicide Application must accumulate 5 Continuing Certification Units in each five-year recertification block.

(4) Persons holding only a Category 12E Limited Herbicide Application certified commercial applicator license may provide direct supervision, in accordance with Section 27–1083D, to unlicensed applicators, but only for applications of herbicides containing glyphosate as the sole active ingredient with “Caution” as the signal word.

(5) Applicants seeking certification in Category 12E Limited Herbicide Application are required to pass a 50 question examination, designed for this specific area of pest control.

(6) All other regulations in this Chapter apply to Category 12E Limited Herbicide Application license except that, where more stringent regulations regarding the certification examination and recertification occur in this Chapter, this Section shall take precedence for those certified in the Category 12E Limited Herbicide Application license.

**HISTORY:** Amended by State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 35, Issue No. 5, eff May 27, 2011; State Register Volume 38, Issue No. 4, eff April 25, 2014.

## **27–1079. Certification and Licensing of Noncommercial Applicators.**

A. No person younger than eighteen (18) years-old will be licensed as a noncommercial applicator.

B. Noncommercial applicators are not required to demonstrate the same financial responsibility required of commercial applicators.

C. Persons holding a noncommercial applicator’s license may use restricted use pesticides, but only for work in the specific categories, as outlined for commercial applicators, in which the applicator has demonstrated competence. These licenses are issued to permit qualified governmental employees to perform their official duties on the job.

(1) Noncommercial applicators must submit an application form published by the Department and must pass the same set of examinations required of the commercial applicators.

(2) Noncommercial applicators are exempt from the fee requirements imposed on commercial applicators.

(3) Noncommercial applicators’ licenses shall expire on December 31<sup>st</sup> of each year.

(4) Noncommercial applicators’ licenses are renewable annually by re-application to the Director prior to January 1<sup>st</sup>. Reexamination is not required for licenses renewed before April 1<sup>st</sup> as long as the recertification requirements of Paragraph 6, below, are complied with.

(5) Noncommercial applicators holding valid licenses who desire to have a private applicator’s license may submit the proper application form and the prescribed fee to the Director. A private applicator license will be issued with no additional training required.

(6) Recertification periods for noncommercial applicators are five year periods, beginning January 1<sup>st</sup> of 1994 and ending on December 31<sup>st</sup> of 1998, 2003, 2008, and every five (5) years thereafter. During each recertification period after the one in which the license is issued each Noncommercial Applicator must successfully complete ten (10) Continuing Certification Hours of training. Alternatively the applicator may complete the initial licensing requirements and re-apply to the Director for a license. All Continuing Certification Hours must be approved in advance by the Department.

**HISTORY:** Amended by State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27–1080. Exemptions from the Requirement of a License and of Certification.**

A. Doctors of veterinary medicine applying pesticides to animals during the normal course of their practice are exempt from the requirements of certification and licensing provided that they are not

regularly engaged in the business of applying pesticides for hire as their principal or regular occupation.

B. Medical personnel (both private and government) applying pesticides to man during the normal course of medical practice are exempt from the requirements of certification and licensing.

**HISTORY:** Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27–1081. Safe Handling, Storage, Display and Distribution of Pesticides.**

A. The distribution of pesticides which have been classified for restricted use must be made only to the following:

- (1) Licensed pesticide dealers;
- (2) Licensed certified applicators; and
- (3) Persons exempt from the requirements of licensing and certification.

B. Storage of pesticides in quantity (both general use (except as listed in paragraph D below) and restricted use items) by certified applicators, wholesalers, dealers and retailers must comply with the following:

(1) All pesticides stored in quantity must be stored in securely locked well ventilated rooms, well away from all food or feed items. The pesticides should be stored in such manner as to prevent fumes from contaminating food or feed.

(2) Pesticides should be separated during storage, preferably in bins, depending upon the type of pesticide. Each type of pesticide, i.e., herbicides, insecticides, fungicides, et cetera, must be stored separately from each other.

(3) Herbicides must not be stored in a bin on top of, or located above, any other type of pesticide, to preclude accidental contamination of other pesticides by leakage or spillage.

(4) Any pesticide container which is leaking or otherwise damaged must be immediately removed to an area where its contents will be fully contained in the event that its condition deteriorates further. The use of "overpack" containers or similar devices is sufficient to meet this requirement. Any pesticide material spilled or otherwise allowed to move outside of the container must be immediately cleaned up by an appropriate decontamination method. The location where any pesticide material has been spilled must likewise be immediately decontaminated by a method appropriate to the material spilled.

C. Display of pesticides (both general use and restricted use items) by dealers and retailers must comply with the following:

(1) All pesticides offered for sale must be in the registrant's approved container with the appropriate labeling from the registrant permanently attached.

(2) All restricted use pesticides must be separated from general use pesticides in displays of pesticides offered for sale to the general public.

(3) Herbicides must be separated from all other types of pesticides when displayed for sale to the general public. Furthermore, herbicides must not be displayed in a position above other types of pesticides, to prevent accidental contamination of other pesticides by leakage or spillage.

(4) All pesticides (either general use (except as listed in paragraph D below) or restricted use items) on display to the general public, should be displayed at a minimum distance of twenty-five (25) feet from all fresh, soft, loosely packaged or other types of food or feed items that can or may absorb odors from the pesticides. Examples of such food items would be bread, pastries, potatoes, fresh meats, cheese, macaroni and candy. All pesticides must be displayed at a minimum distance of four feet from canned foods or any other type of food or edible item.

(5) Any pesticide container which is leaking or otherwise damaged must be immediately removed from the display area to a location where its contents will be fully contained in the event that its condition deteriorates further. The use of "overpack" containers or similar devices is sufficient to meet this requirement. Any pesticide material spilled or otherwise allowed to move outside of the container must be immediately cleaned up by an appropriate decontamination method. The location where any pesticide material has been spilled must likewise be immediately decontaminated by a method appropriate to the material spilled.

D. The following types of pesticides are exempt (unless classified as restricted use pesticides) from storage and display requirements of paragraphs B and C (2) through C (4) above. They are still subject to the requirement of paragraph C above.

- (1) Bleach products.
- (2) Disinfectant products.
- (3) Pet animal and tropical fish treatment products.
- (4) Sink drain and toilet bowl products.
- (5) Paint products other than TBT paints.
- (6) Additional exemptions may be granted by the Director upon special request, if warranted.

E. All aircraft pesticide loading zones must be adequately delimited and posted with signs indicating that the area is used as a pesticide loading zone for aircraft. For mobile support vehicles (e.g. trucks supplying fuel and chemical for helicopter applications) the placement of equivalent signage on the truck shall be sufficient to comply with this Section. Conformance with the requirements of this Section does not relieve any person from liability for injury or damage to another person caused by the pesticides, either while being stored or after spillage on the ground.

F. All pesticides distributed in bulk must be registered both with the U. S. Environmental Protection Agency and with the State.

(1) Any firm distributing or selling bulk pesticides within the State must notify the Department of such practice on January 1<sup>st</sup> of each year.

(2) A copy of the accepted label for the product must be attached to the shipping papers, and left with the consignee at the time of delivery.

(3) Pesticide products stored in bulk containers, whether mobile or stationary, which remain in the custody of the user, must bear a copy of the accepted label or labeling, including all appropriate directions for use, securely attached to the container in the immediate vicinity of the discharge control valve.

(4) The appropriate provisions of Title 49 of the Code of Federal Regulations, as administered by the U. S. Department of Transportation, concerning the transportation of hazardous materials, must be adhered to by any person transporting pesticide products within the State.

(5) All containers (both holding tanks of the formulator and the customers' stationary containers) must be provided with suitable sample points to permit withdrawal of samples by personnel of the Department. Samples obtained by Departmental personnel in this manner must be accepted without reservation as being representative of the material in the container and described on its label.

G. All persons engaged in pesticide operations using compressed gas tanks or cylinders must ensure that all propellant supplies for pesticides used in fumigations or other pesticide applications are equipped with properly functioning back flow prevention devices which will prevent the entry of pesticide into the compressed gas tank or cylinder.

(1) No person shall operate any compressed gas tank or cylinder in pesticide operations unless a back flow prevention device is installed and properly functioning.

(2) The back flow prevention device must be placed between the tank/cylinder regulator and the pesticide system.

(3) Pesticide operations must cease prior to the tank/cylinder pressure falling below twice the pesticide system operating pressure, or 200 psi, whichever is greater.

**HISTORY:** Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999; State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1082. Disposal of Pesticides and Pesticide Containers.**

Unwanted pesticides and pesticide containers must be disposed of in accordance with the regulations promulgated by the South Carolina Department of Health and Environmental Control.

**HISTORY:** Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1083. Pesticide Application Assurance, Vehicle Identification, Applicator Records Maintenance, and Direct Supervision.**

A. At each customer's request, all licensed commercial and non-commercial pesticide applicators are hereby required to provide the following information:

(1) Structural and general household pest control operations:

(a) Provide all customers at their request with a completed, fully legible, statement with respect to any application of pesticides on property under their ownership or control.

(b) The statement must contain at a minimum the following information:

(1) The name of the company or firm and their address.

(2) The pest or pests to be controlled.

(3) The common chemical name of the active ingredient(s) (not the brand name) of the pesticide applied.

(4) The name of responsible licensed applicator.

(c) If pest-control services are being provided under a continuing contract (i.e. monthly, quarterly, or otherwise other than a one-time treatment) for general household insect control other than wood-destroying insects or rats and mice, then more general terms may be used relative to the name of the pest and several alternate chemicals may be listed. In this event all of the above requirements for record maintenance and disclosure must also be complied with.

(2) Aerial applicators.

(a) Provide all customers at their request with a completed fully legible statement with respect to any application of pesticides.

(b) The statement must contain the following information, as a minimum:

(1) Company or firm name and address.

(2) The pest or pests to be controlled, or purpose of the pesticide application.

(3) The chemical or common name of the active ingredient(s) (not the brand name) of the pesticide applied.

(4) Name of responsible licensed applicator.

(3) Custom ground applicators. (This group includes commercial agricultural applicators, lawn, golf course, ornamental plant and tree pesticide applicators, mosquito control pesticide applicators, wood preservative applicators, and all other types of commercial and non-commercial pesticide applicators.)

(a) Provide all customers at their request with a completed, fully legible, statement with respect to any application of pesticides.

(b) The statement must contain the following information, as a minimum:

(1) Company or firm name and address.

(2) The pest or pests to be controlled, or purpose of the pesticide application.

(3) The chemical or common name of the active ingredient(s) (not the brand name) of the pesticide applied.

(4) Name of responsible licensed applicator.

(4) For non-commercial applicators only, or for commercial applicators making applicators for and under the direct supervision of a governmental entity, the disclosure requirements of the above Sections may be met by announcement or publication of the nature and timing of pesticide applications in the appropriate mass media outlets not less than 24 hours prior to the application.

B. All vehicles used by licensed commercial and non-commercial pesticide applicators to transport pesticides to and from the application site, or used in the actual application of pesticides, must bear an identification symbol, furnished by the Department, on both the right and left sides of the vehicle. All boats used in commercial and non-commercial pesticide applications must bear the same symbol on both the right and the left side of the vessel. Aircraft are identified by their registration number and thus will not be required to bear the State identification symbol.



(1) The symbol must be maintained clean and recognizable from a minimum distance of one-hundred (100) feet.

(2) State identification symbols are not required on every piece of small equipment used by a licensed applicator, nor on every automobile or truck owned by a company, firm, or applicator. Symbols are required only on the actual transport, service and application vehicles.

C. Applicator records maintenance.

(1) Records must be maintained by each company or firm employing licensed commercial or noncommercial pesticide applicators, each licensed commercial applicator if self-employed, and by the employer of each licensed noncommercial applicator, of all pesticides used.

(2) The record must include the quantity of each pesticide used, received, or purchased, the common chemical name of the active ingredient(s) (not the product name), the pest or purpose for which the pesticide was applied, and the date and place of application. It is not necessary to list the pests involved for general household insect control or for general insect control measures in commercial and industrial establishments. In these cases the record may indicate merely "household pests" or "general insect control."

(3) Records of pesticide applications must be maintained by the company, firm, or licensed commercial or noncommercial applicator as detailed below:

(a) For pre-construction termite-control treatments ("pretreats"), including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of five (5) years or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.

(b) For post-construction termite-control treatments, including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of two (2) years from the date of application or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.

(c) Records of pesticide applications other than termiticides must be maintained for a period of two (2) years from the date of the application.

(4) The Director may request records of all pesticides used by any applicator. This includes application records as well as any records of or related to pesticides purchased or otherwise received by the applicator. The expense of copying or duplicating those records shall be paid by the Department.

D. Direct Supervision: The level of direct supervision required for certain pest control activities will vary according to the nature of the application.

(1) Unless the label of the product being applied requires a licensed applicator on site, Licensed Commercial and non-commercial applicators whose business location is not within the boundaries of the State of South Carolina must have a licensed applicator within 30 (thirty) minutes of the application site by ordinary ground transportation and immediately available by telephone or radio.

(2) For Licensed Commercial and non-commercial applicators whose business location is within the boundaries of the State of South Carolina:

(a) The use of all fumigants will require an applicator holding a valid Commercial Applicators License in Category 7B, Category IC, or other appropriate category as determined by the Department, to be physically present on site and supervising the application at all times when pesticide is being applied.

(b) The use of any pesticide classified as restricted use by the EPA or the Department, regardless of the signal word, will require the supervising licensed applicator (licensed in the proper category), to be within 30 (thirty) miles by ordinary ground transportation of the application site and immediately accessible by telephone or radio.

(c) For categories of use in which licensing is mandatory, the use of any pesticide which has the signal word "Danger" or "Warning" will require the licensee supervising the application to be within 60 (sixty) miles by ordinary ground transportation of the application site and immediately accessible by telephone or radio.

(d) For categories of use in which licensing is mandatory, the use of any pesticide which has the signal word "Caution" will require the licensee supervising the application to be within 100 (one-hundred) miles by ordinary ground transportation of the application site and immediately available by telephone or radio.

**HISTORY:** Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1084. Denial, Suspension or Revocation of a License or Certification; Assessment of Criminal Penalties.**

A. Each of the following acts shall be considered a violation of the South Carolina Pesticide Control Act, in addition to those mentioned in the Act, and shall constitute grounds for denial, suspension or revocation of a license or certification:

(1) Use of a pesticide in a manner inconsistent with the labeling accepted by the U.S. Environmental Protection Agency or the South Carolina registration for that pesticide. The term "use" shall include distribution, application, mixing, loading, storage and disposal.

(2) Making false, fraudulent or inadequate records, invoices or reports, or failing to keep the records required by the Act.

(3) Committing an act resulting in assessment of a civil or criminal penalty under 7 U.S.C. Section 136-1, as amended.

B. Any person who commits any of the above acts shall be deemed guilty of a misdemeanor and criminal penalties may be assessed pursuant to Section 18 of the South Carolina Pesticide Control Act.

**HISTORY:** Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005.

## **27-1085. Standards for Prevention or Control of Wood-destroying Organisms.**

A. Every person performing either preventive measures against or control measures for termites and other wood-destroying organisms (both insects and fungi) on the property of another must follow at a minimum the methods and procedures specified in the following codified paragraphs of this regulation.

B. Control measures used must be appropriate for the type of termite or other wood-destroying organisms present.

(1) For other than subterranean termite treatments, if no wood-destroying organism is actually present then this fact and the preventative nature of the proposed treatment must be disclosed to the consumer in writing before the work begins.

(2) Treatment and inspection must be performed in accordance with these regulations and with the terms of the written agreement or contract for as long as the contract is valid.

(3) Copies of the warranty, treatment records, waivers issued, and inspection records must be maintained by the firm for a period of five (5) years or for the duration of the warranty, whichever is longer, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department.

(4) The presence of Formosan subterranean termites (*Coptotermes formosanus* Shiraki) must be disclosed when an active infestation has been found in a structure. The documentation provided with any subterranean termite control contract or warranty must specify whether coverage for Formosan subterranean termites is included and the nature of that coverage (i.e. whether coverage is for retreatment only or includes the repair of damages due to the Formosan subterranean termite infestation).

C. Treatment for each property must be made to the entire structure and must meet the standards outlined in these Regulations unless structural or physical characteristics of the property or the stipulations of the property owner or their agent make adherence to these standards unnecessarily difficult or costly. In such cases, an Official Waiver of Standards Form clearly identifying the standard(s) not performed must be executed and acknowledged in writing by the property owner before work begins.

(1) The Waiver form must be the most recent version published by the Department and must be provided by the pest control operator. A signed copy of the waiver must be supplied to the property owner. A signed copy of the waiver must be maintained by the pest control operator for as

long as the property is covered by the warranty based on the treatment for which the waiver was issued.

(2) Due to the accessibility of the various construction elements during construction and prior to completion of the buildings, waivers must not be issued during preconstruction treatments unless the applicator has requested and received permission in writing from the Director or his authorized representative. This prohibition does not include those situations that are out of the control of the applicator such as wooden decks added after the completion of the final grade, step down footers, or similar items.

(3) All waivers issued must meet the intent of this Section and must not be used to create an opportunity to sell a treatment using less labor or termiticide.

(a) Multiple structures may be included on the same waiver form only if there is a common authorized agent for or owner of the structures and the same treatment standards are being waived on each building. In this case each structure or building where treatment standards are being waived must be identified on the waiver form.

(b) Where the two conditions identified in paragraph "a" above are not both met, a separate and unique waiver must be properly executed for each structure where treatment standards will not be completed.

(4) Waivers are not required for retreatments performed under an existing contract, booster treatments performed to continue coverage under an existing contract, or partial treatments performed to re-instate a contract that has lapsed for less than one (1) year.

D. The chemicals, methods, and systems permitted in the control of termites or other wood-destroying organisms shall be only those pesticides which are registered in South Carolina for that use. The chemical and control methods must be used in the proper proportions and in the quantities and manner directed on the label or in these Standards.

(1) No application of termiticides may be made for any purpose using a rate or volume lower than that specified in the labeling of the product as accepted in South Carolina.

(2) If the State has accepted the labeling of a termiticide product that allows the structure to be protected by completion of less than a full conventional liquid termiticide treatment as described in these Standards, then only those standards that apply to the treatment actually performed shall be required to be completed.

(a) Excepting the standards noted in Section (3) below, waivers as detailed in Section C above need not be completed for standards not required to be completed by the termiticide label.

(b) This provision only applies to post construction treatments.

(3) For every termite-control treatment performed in the State, regardless of the method of control employed or whether the treatment is conducted during construction or as a post-construction treatment, the following Standards detailed in Section 27-1085 G (2) (a), (b), and (c) must be completed or waived if they are appropriate to the structure. These Standards require, respectively, the removal of cellulose debris and other debris that may interfere with inspection and treatment, the correction of wood-to-ground contact, including expanded-foam insulation materials, and the removal of subterranean termite shelter tubes on both masonry and wooden foundation elements. Section 27-1085 G (2) (g), which requires the installation of at least one square foot of ventilator for every 150 (one-hundred fifty) square feet of crawlspace area, must be completed or waived on post-construction treatments.

(4) Termite control products or devices (e.g., barriers, wood treatments) must be properly registered with the Department before they can be used.

(a) Before a licensed applicator can employ, install, or supervise the use of any termite control product or device not applied to the soil the registrant of that product or device must certify to the Department in writing that the applicator has been properly trained in the product's use and management. Use, installation, or supervision of the use of these products by a licensed applicator for whom certification has not been received by the Department at the time of the installation, use, or supervision is a violation of this Section.

(b) Registrants must not provide materials or devices referenced under this section to an applicator who has not been properly trained.

(5) The Standards referenced in Section (3) above must be completed for all bait and wood-treatment termite-control methods unless an Official Waiver of Standards Form or the equivalent documentation published by the Department is properly executed. This form must be completed and signed by the property owner or their agent before the work begins. The Waiver must be maintained by the firm for a period of five (5) years or for the duration of the warranty, whichever is longer, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department. The termiticide residue requirements referenced in this Section cannot be waived.

(6) All applications of termiticides, including re-treatments and supplemental or “booster” treatments, must be properly recorded on the Record of Termiticide Use form published by the Department or in an alternative manner acceptable to the Department. These record-keeping requirements for termiticide applications apply to bait installations and wood-treatment methods as well as to liquid termiticides. These records must be maintained by the firm as specified in Section 27-1083.C. above, and must be presented to the Director or his authorized representatives for review and duplication upon their request at the expense of the Department. Record-keeping requirements do not apply to the installation of devices intended only to monitor or reveal subterranean termite populations.

E. Periodic inspections may be made by Department employees to ensure that all structural pest control activities are performed in compliance with these regulations and the treatment standards. Soil, use-dilution, or other appropriate samples may be drawn during these inspections. The Department shall develop sampling protocols and threshold residue levels for each registered termiticide which reflect the minimum amount of termiticide residue expected to be present within an appropriate period of time after a proper treatment. Termiticide applications which do not meet or exceed these residue levels are in violation of this Section.

F. Discrepancies in treatment procedures found during any inspection, including minor violations as determined by the inspector and identified in writing by the Department, must be corrected within a period of time as specified by the Director, after written notification to the applicator. The Department may base formal enforcement actions on these discrepancies. Failure to correct these discrepancies within the period of time specified may result in additional civil/criminal penalties. Corrections must be made so long as the property is under the ownership of the individuals who initially contracted for the subterranean termite treatment, their heirs or estate, whether or not the property remains under contract with the applicator at the time the notification is given.

G. Only pesticides properly labeled for subterranean termite control and registered for use in South Carolina shall be used.

(1) Where the Federal labeling accepted in the State requires more thorough treatment (e.g. closer spacing of drill holes or more volume of termiticide) than the treatment standards listed below the Federal labeling shall have precedence. Where the State standards require more thorough treatment the State standards must be followed.

(2) On each initial Subterranean Termite Control Treatment the Pest Control Operator must perform a complete treatment as detailed in these Regulations, except as provided for in Section D (2) above, and must provide the following minimum service:

(a) Remove from crawl spaces all cellulose debris (wood, paper, stumps, cloth, cotton, or other similar materials) and any other debris or rubble which would interfere with effective treatment and inspection. Remove all form boards which are in contact with the soil or are less than eight (8) inches from the soil.

(b) In the structure being treated, all wood contacting the ground must be of the proper grade of treated lumber as specified in the current edition of the appropriate Building Code. Where the proper grade of treated wood is not used in a ground contact situation the ground contact must be broken by setting the affected part of the building on a solid concrete base or other such base which is impervious to termites or must otherwise be altered so that there is no direct contact with the ground. Rigid foam-board insulation of polystyrene insulation or similar materials, including the various synthetic stucco systems, are susceptible to subterranean termite attack and must be treated the same as untreated wood in contact with the ground. These requirements cannot be met solely by treatment of the soil immediately adjacent to and in contact with the untreated wood, rigid-foam insulation, or similar material.

(c) Scrape off all visible and accessible termite shelter tubes, including those on the wood. Because the presence of intact subterranean termite shelter tubes is presumptive evidence of the presence of an active infestation of subterranean termites, all subterranean termite shelter tubes must be removed at the time of the first inspection following the initial treatment. Subterranean termite shelter tubes must also be removed following any retreatment of the structure. Breaking gaps into the shelter tubes is not sufficient to meet this requirement.

(d) For conventional liquid treatments, treat all soil adjacent to foundation walls, pillars, and other supports by forming a narrow trench at the base of each side and flooding it with termiticide in accordance with label directions. Back-fill placed in the trench must also be treated in accordance with the label directions. Where footings are not covered by soil the trench may follow the edge of the footing. The soil around locations where pipes enter the soil must be treated in the same manner as foundation supports. When pipes are covered with insulating material, soil or insulation should be removed so that the insulation stops at the soil and the area should be thoroughly treated as previously described. In no case should termiticide be applied to soil in contact with ventilation ducts.

(e) All cavities and voids within hollow masonry units (except bricks), between courses of masonry units, or within or between construction elements that are in contact with the soil must be drilled at intervals of no more than 16 (sixteen) inches or as prescribed by the product label if the label requires closer spacing of drill holes and treated with termiticide as per the label instructions. Voids must be treated as low as practical. Voids that have been filled with concrete need not be treated but should be test-drilled to verify their condition.

(f) Soil areas beneath attached concrete slabs (earth-fill porches, patios, carports, garages, walkways, etc.) which are less than 18 (eighteen) inches below the sill or plate line of the structure must be treated by one of the following methods:

(1) By cutting access openings and removing soil adjacent to the foundation and below the expansion joint the length of the fill at least six (6) inches deep below the bottom of the slab and six (6) inches wide and applying chemical as specified on the label.

(2) Or by drilling vertically and applying chemical from the top of the slab at not more than twelve (12) inch intervals parallel to and not more than twelve (12) inches away from the foundation wall or expansion joint.

(3) Or by rodding from the side(s) and applying the permitted chemical beneath the slab along the length of the expansion joint ("long-rodding") in a continuous barrier not more than six (6) inches from foundation walls.

(4) Or by drilling from the crawl space or basement side and through the foundation wall immediately beneath the slab at no more than twelve (12) inch intervals and treating the soil beneath the slab.

(5) The void in the double brick perimeter walls of earth-filled and suspended porches must be drilled and treated at intervals of no more than sixteen (16) inches if the superstructure above the porch rests on wooden supports such as posts, columns, railings, or similar elements. If there are no wooden supports the voids in the side walls perpendicular to the main structure must be drilled and treated to a distance of 4 feet from the main structure at intervals of no more than sixteen (16) inches.

(g) Install foundation vents to meet the following requirements:

(1) One square foot of ventilator must be present for each 150 (one-hundred-fifty) square feet of crawl space area.

(2) There must be no "dead ends" or other areas left unventilated.

(h) In the crawl space remove enough soil to give sufficient space between the wooden substructure and the soil for access for visual inspection and for the application of proper control measures. In any case, minimum clearance between untreated wood and soil must be at least eight (8) inches.

(i) In treating structures built on a concrete slab or on the ground (including basements), soil beneath all points of potential termite entry, such as expansion joints, plumbing pipes, and similar areas must be saturated with termiticide by treating from above or by horizontally drilling or

rodding at no more than twelve (12) inch intervals, immediately beneath the slab. Treatment from above must consist of vertically drilling the slab no more than twelve (12) inches from the potential point of termite entry. Open bath traps must be treated by cutting an access opening to permit the application of termiticide or by a comparable method.

(j) Inspections must be conducted as per the terms of the warranty or the termiticide label, whichever results in more frequent inspection of the structure.

#### H. Subterranean Termite Control Pretreatment of Structures.

(1) In new construction treatment, the approved liquid termiticide must be applied in accordance with label instructions to cavities in pillars, tiles, brick or concrete block walls, voids between brick and block walls, or other cavities likely to be penetrated by wood destroying organisms by flooding the voids before they are covered.

(2) Soil surfaces to be covered by slabs must be treated with a liquid termiticide or other approved appropriate technology before the slab is poured. If treatment is not performed before the slab is poured then the slab must be treated as per Section G (2) (f) or G (2) (i), or both if both are applicable, above.

(a) Within ninety (90) days after the transfer of the property to the first deeded owner or notification that the final outside grade has been completed, whichever occurs first, treat the soil that is adjacent to the outside foundation wall with an approved liquid termiticide or approved alternative technology.

(b) If another technology is used to protect the slab, such as barriers or termiticide baits, the alternative technology must be used in strict accordance with the accepted South Carolina labeling for the product. All applicators or installers of alternative technology must be trained and certified as per the requirements of Section D (3) above.

(3) For crawlspace foundations the pretreatment must comply with the provisions of Section D (4) above. Except as provided for by the label provisions noted in Section D (3) all applicable treatment Standards detailed in Section G (2) must be properly completed or waived.

(4) Warranty.

(a) For new single family residential construction the Pest Control Operator (PCO) will provide to the Builder (or the owner, if known at time of treatment) a one year transferrable warranty covering the repair of damage due to subterranean termites and retreatment of the infested portions of the property. The warranty period begins the day the first chemical application is made. The licensed pest-control business must offer to transfer the warranty to the first deeded owner of the property or to any person who purchases the property within five (5) years of the initial treatment date provided that the warranty has remained in effect through each owner of the property. The licensed pest-control business must offer each owner of the property the opportunity to renew the warranty on the same terms and conditions the business offers renewals of the regular termite treatment contracts for the first five (5) years after the initial treatment date. Failure of the homeowner to renew in any one year relieves the business of any future responsibility for renewals, based upon this section. The renewal warranty must at a minimum offer retreatment coverage but may also offer damage-repair coverage, at the option of the business.

(b) The requirement to issue warranty coverage shall not extend to:

(1) Violations of the appropriate Building Code by the builder or the first property owner after the builder which are installed after the completion of the pretreatment.

(2) Structures with rigid foam board insulation material of any kind extending below the exterior grade.

(3) Structures with untreated wood or with inadequately treated wood extending below the exterior grade.

(4) Structures with inadequate ground clearance or other design features which preclude the proper completion of the minimum treatment standards referenced in these Regulations.

(5) Structures to which additional rooms or other features have been added after the completion of the pretreat but without the applicator having the opportunity to treat the additions.

(6) Structures where remodeling or landscaping after the completion of the pretreat has resulted in a degree of soil disturbance that could reasonably be expected to have significantly affected the termite treatment.

(7) Other situations as determined on a case-by-case basis by the Department's field inspectors. In these cases the Department will provide a written explanation of its determination.

(c) Because of the ease of access to all construction features, waivers may not be issued for treatment standards during pretreats without the express written consent of the Department. If waivers are issued both the waiver and the written memorandum from the Department authorizing the waiving of treatment standards on that specific structure must be delivered to the first property owner after the builder.

(d) The Director may require that deficiencies in pretreatments that cannot be corrected as detailed in Section 27-1085 G 2 above because of the completion of that stage of construction be corrected by the treatment of the structure with another appropriate technology.

I. Control measures are not normally necessary for infestations of wood-destroying organisms which are not capable of reinfesting structural lumber or other properly seasoned wood except as provided below.

(1) Control measures may be performed for non-reinfesting wood-destroying pests at the customer's request. In such cases the applicator shall provide to the customer before the work begins a statement to the effect that the infestation is not capable of re-infesting seasoned lumber and that the treatment is being performed at the customer's request.

(2) Rustic structures and modern log homes may be initially infested with large numbers of buprestid and cerambycid beetles. Control measures may be proposed and performed in these situations even though these insects normally do not re-infest, subject to the identification and disclosure requirements of this Section.

(3) Structural infestations of other wood-destroying organisms will be identified and disclosed as follows:

(a) An infestation of old house borers (*Hylotrupes bajulus* L.) will be reported by either its scientific name or the common name "old house borer."

(b) Powder post beetles for which control strategies are very similar such as the families Lyctidae, Anobiidae, and Bostrichidae will be reported by either their family names or as "powder post beetles."

(c) The specific cause of damage due to non-reinfesting beetles does not have to be identified. This does not relieve the applicator of the responsibility to disclose that damage when required (as on the Official South Carolina Wood Infestation Report).

(d) Wood-decay fungi and surface molds and mildews may be identified and disclosed as such without further detail.

(e) Drywood termites may be disclosed as such without further detail.

(4) Before treatment is recommended, infestations of other wood-destroying organisms capable of reinfesting structural lumber or seasoned wood must be determined to be active.

(a) The following criteria will be used to determine the activity of these infestations.

(1) Drywood termites: The emergence of live insects inside the structure, the repeated presence of swarms (alive or dead) inside the structure, or a repeated accumulation of fecal pellets in an area are all reasonable indications of an active infestation of drywood termites. Preventative treatments for these insects are not normally warranted in South Carolina due to the slow rate at which their damage accumulates.

(2) Powder Post Beetles (*Anobiidae*, *Lyctidae*, *Bostrichidae*, and related beetles): The presence of a trail or "stream" of fresh frass (the color of fresh-cut wood) stuck to the wood below emergence holes or piled beneath emergence holes indicates an active infestation of powder post beetles. Emergence holes alone do not indicate activity nor does the presence of old dingy frass in emergence holes, galleries, or protected locations.

(3) Old House Borer: (*Hylotrupes bajulus* L.). A live adult or larval specimen must be collected from the wood to demonstrate activity of this insect in a structure. Alternatively, the

presence of the distinctive larval gnawing noises can be used to establish activity. The presence of ragged oval exit holes or fresh-appearing frass is not sufficient to indicate activity in the absence of specimens or noises.

(b) Treatment: All beetle frass must be removed from treated vertical surfaces during a localized treatment. During a fumigation frass must be removed from at least two readily-accessible areas to allow the determination of the success of the fumigation. If streaming frass is observed during the next season of activity the infestation must be considered to have remained active. Treatments, especially fumigations, may be proposed and conducted only when there is conclusive evidence of an active infestation, or with the specific written consent and acknowledgment of the lack of activity on the part of the property owner or their agent.

#### J. Moisture Control.

(1) Excessive moisture conditions are present any time wood moisture content readings reach or exceed 20% or standing water is present in the crawlspace or around the foundation. Wood-decay fungi become active, and decay damage occurs, at wood moisture-content levels of 28% and above. Reports of excessive moisture conditions and active decay fungi must follow these guidelines.

(2) Correction of excessive wood moisture levels is normally accomplished by the installation of a polyethylene vapor barrier over the crawlspace soil or the installation of additional foundation vents. Excessive moisture conditions caused by poor drainage and the constant influx of water into the crawlspace soil may require the installation of a sump pump and drain system. The application of fungicidal sprays to the substructure for the control of wood-destroying fungi may not be performed until the physical correction of the excessive moisture conditions has been accomplished. Sump pumps may not be installed without an accompanying drain or trench system sufficient to carry water to the pump.

#### K. Wood Infestation Report.

(1) Any wood infestation report issued for the purpose of describing the apparent absence of wood-destroying organisms from a building or structure in connection with a sale or mortgage of real property must be issued by an individual currently licensed in Category 7A, Industrial, Institutional, Structural, and Health-Related Pest Control and covered under a valid Pest Control Business License issued by the Department. The report must be signed by the licensed individual and include their applicator and business license number.

(2) The inspection must be reported on the most current Official South Carolina Wood Infestation Report Form as published by the Department. The form for this report shall be furnished by the licensee.

(3) The inspection for the Wood Infestation Report must include at a minimum:

(a) A visual inspection of all accessible portions of the interior and exterior of the structure, including crawlspaces, utility areas, and attics.

(b) Careful sounding and probing of all areas where damage is visible.

(c) Representative wood moisture-content readings around the interior perimeter of the crawlspace and in the accessible portions of the center of the crawlspace.

(d) The determination of the nature and activity of all visible and accessible wood-destroying insect infestations in the structure.

(e) The determination of the nature and cause of all visible and accessible wood-destroying insect damage in the structure.

(f) The determination of the nature and activity of all wood-destroying fungi, including decay damage whether active or not, present in the structure below the level of the first main living-area floor. The first main living-area floor of the house is the first floor above the basement or crawlspace, or the elevated living-area floor in houses raised upon pilings. The phrase "below the level of the first main living-area floor" also includes the substructure below the first main living floor of the house. Decay damage in the upper portions of exterior siding, fascia and trim boards, chimneys, eaves, soffits, and similar areas is beyond the scope of the Wood Infestation Report. Decay damage in the lower portions of exterior doors, door jambs and frames, and similar construction elements, however, must be reported.



(4) The Wood Infestation Report is in no way a report of the presence or absence of health-related fungi or conditions conducive to their presence or development in the structure.

(5) The Wood Infestation Report must at a minimum disclose:

(a) All inaccessible parts of the structure.

(b) The apparent presence or absence of all visible insect-related damage in all accessible areas of the structure. The reporting of a “previous infestation” of a particular insect is not sufficient to meet this requirement to report insect damage.

(c) The apparent presence or absence of all visible active and previous wood-destroying insect infestation in all accessible areas of the structure.

(d) The wood moisture-content readings obtained in the substructure, as well as any decay damage, active wood-destroying decay fungi, or excessive moisture conditions in visible and accessible areas below the level of the first main floor. Decay damage must be reported as such.

(e) The specific location and approximate extent of all damages, active infestations, previous infestations, and excessive moisture conditions. These items may be reported as “widespread,” “throughout the substructure,” or in similar terms only if their extent and occurrence justifies such broad language.

(f) All damage must be reported whether or not it requires or may require repair or further inspection by another professional. Damage remaining in areas that have previously been repaired must also be reported.

(6) The Wood Infestation Report is not a warranty against future infestation, nor does it place any obligation for the correction of reported damage or infestation upon the applicator or business issuing the report.

(7) In determining whether an infestation of insects or decay fungi is active in a structure the inspector must use the criteria set forth in Sections I and J, above. Inspectors must fully explain on the reverse of the form the basis for their determination of whether an infestation of insects or decay fungi is or is not active in the structure.

L. Any person performing any of the activities listed below on the property of another must be licensed in the category indicated by the Department or must work under the direct supervision of one so licensed.

(1) Any person performing a structural pest control activity as defined in Section 27–1070 D of these Regulations. Persons performing structural pest control activities in or adjacent to property rented, leased, or otherwise occupied by unrelated persons (in schools, apartment or condominium complexes, hospitals, and similar situations) are not exempt from these requirements.

(2) Any person performing a public health pest control activity as defined in Section 27–1070 J of these Regulations.

(3) Any person performing a turf and ornamental pest control activity as defined in Section 27–1070 K of these Regulations.

(4) Any person performing an aquatic pest control activity as defined in Section 27–1070 L of these Regulations.

(5) Any person applying only a glyphosate herbicide on turf or ornamentals for compensation on the property of another, as defined in Section 27–1078 P.

M. No main business office where records are kept or branch office must engage in structural pest control activities in the State without first obtaining a Pest Control Business License from the Department.

(1) A Business License will be issued only when the location has appointed a Designated Certified Applicator in charge (DCA). The DCA must be licensed by the Department in Category 7A and permanently assigned to that specific location on a full time basis while the business is operating. The DCA must be present during the normal operation of the business, except for normal sick or annual leave and training days away from the office. No individual may be designated as the DCA for more than one location from which pesticide applications are made.

(a) Application must be made to the department on the Business License application form and must include copies of the proposed DCA's Category 7A applicator's current license and proof of financial responsibility statement.

(b) All applicants must demonstrate to the satisfaction of the Department that the DCA is duly licensed and operates from the applicant's location. Additionally the DCA must possess either a four-year college degree in the natural sciences or two years of verifiable experience in pest control. The Director may waive the experience requirement upon written application by the business licensee. In appointing a DCA the Director will consider, among other factors, the enforcement histories of the business and the proposed DCA, the record of Continuing Certification Hours, and past examination results.

(c) No business whose business license has been revoked or suspended may circumvent this suspension or revocation by applying for a new "Business License" under another name or in the name of another business. This prohibition exists for the duration of the suspension or revocation period. Sale of the business to a separate party is not prohibited by this section provided it is not an attempt to circumvent appropriate enforcement action against the business.

(d) The annual Business License fee shall be as prescribed. The Business License is valid from January 1st through December 31st unless suspended or revoked.

(e) Changes of material information such as, but not limited to, the name or license status of the certified Category 7A applicator, the financial responsibility status of that applicator, or any change in the location of the facility must be reported to the Department within ten (10) days.

(f) Violations of the South Carolina Pesticide Act that occur as a result of activities generated at or by a location may result in sanctions against the Business License as well as or in lieu of sanctions against the individual licensee. Such sanctions may include penalties up to \$1000 (one-thousand dollars) and / or modification, suspension, or revocation of the license. Suspension or revocation of the Business License will be reserved for serious or repeated violations. All suspensions or revocations are subject to a hearing upon request.

(g) For each termite treatment performed, the business licensed to perform structural pest control must record, on the Record of Termiticide Use form published by the Department or in a similar manner acceptable to the Department, at least the following information:

(1) The address of the structure and the nature of the treatment (e.g. pretreat, existing structure, retreatment due to infestation, bait installation).

(2) The applicator making the actual treatment and his license number if he is licensed.

(3) Whether an Official Waiver of Standards was issued.

(4) The brand name, quantity, and dilution rate of the termiticide applied, if applicable.

(5) The treatment technique (trenching, void treatment, pretreat, bait station installation, wood treatment, etc.)

(6) This information must be maintained by the business as detailed below:

(a) For pre-construction termite-control treatments ("pretreats"), including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of five (5) years or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.

(b) For post-construction termite-control treatments, including the installation of bait systems and baits containing active ingredients, records of termiticide application must be maintained for a period of two (2) years from the date of application or as long as a continuing warranty or contract exists, whichever is longer, and must be made available to the Director or his designee for review and duplication upon request at the expense of the Department.

(h) If a DCA can no longer be present at a business location due to unforeseen circumstances, the business must appoint another applicator licensed in Category 7A and employed by the business to serve as DCA. If no new DCA is appointed within 30 (thirty) days of the departure of the previous DCA the Business License must be surrendered to the Department. The Business may petition the Director in writing for a "hardship" stay of the surrender of the Business License.

The duration of the stay will be determined by the Director but in normal circumstances will not extend beyond the next available examination date. No structural pest control activities may be performed during the stay.

(2) Business licenses must be prominently displayed at each location.

(3) Each vehicle which transports pesticides used in structural pest control activities must display the appropriate Department, the business license number, and the company name. This information must be in letters one (1) inch in height or greater, on a contrasting background, and placed on each side on the front half and above the mid-line of the vehicle. If a vehicle is used at more than one location, it should bear the business license number of its primary location.

(4) All pest control personnel performing structural pest control activities must carry (not display) on their person an official identification card which demonstrates verifiable training in the area of pest control in which they operate and provides the business and appropriate commercial license number, technician's name, or other pertinent information, as designated by the department. This identification must be presented upon request, and failure to do so shall constitute a violation of this Section. The card shall remain the property of the Department and must be surrendered when the cardholder employment ceases. Office personnel who do not conduct inspections or apply pesticides are not subject to this provision.

(5) Warranty sales are prohibited unless exempted in writing by the Director. This does not preclude a company from reinstating an expired warranty or contract on a structure that it has previously treated.

**HISTORY:** Added by State Register Volume 4, Issue No. 8, eff August 29, 1980. Amended by State Register Volume 7, Issue No. 5, eff May 27, 1983; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 38, Issue No. 4, eff April 25, 2014.

## **27–1090. Definitions [applicable to Backflow Prevention Act, Chemigation Act].**

(Statutory Authority: 1976 Code § 46–1–140)

A. "Anti-Siphon Device" means any equipment designed to prevent backflow of chemicals into any water supply.

B. "Check Valve" means a device effectively designed and constructed to provide an absolute closure which prohibits, when operation of the irrigation system pump ceases, the flow of material past the closure point of the valve in the opposite direction of the pumping of water.

C. "Chemical" means any pesticide or fertilizer or any other substance defined as a chemical under Chapter 13 and under Chapter 25 of Title 46 of the 1976 S. C. Code or under appropriate federal statutes, or any other chemical applied to agricultural crops, nursery, turf, golf course, greenhouse sites, or land through irrigation equipment.

D. "Chemigation" means any process whereby chemicals are applied to land and or agricultural commodities including, but not limited to: agricultural crops, nursery, turf, golf course or greenhouse sites, through an irrigation system. Irrigation systems connected to public water supplies are regulated under the South Carolina Department of Health and Environmental Control's State Safe Drinking Water Act and State Primary Drinking Water Regulations and must meet the requirements in these statutes in lieu of the Chemigation law or regulations. Exceptions or alternative chemigation safety equipment approved in writing by the Environmental Protection Agency or the Director are the only substitutions allowed.

E. "Chemigator" means any person owning and/or operating a chemigation system.

F. "Director" means the Director of Regulatory and Public Service Programs, Division of Agriculture and Natural Resources, Clemson University.

G. "Low Pressure Drain" means a self-activated device designed and constructed to automatically drain that portion of the irrigation pipe when the water pressure drops due to check valve malfunction. This prevents contamination of the water source.

H. "Injection Pump" means the equipment used to pump chemicals into the irrigation line.

I. "Interlock" means a mechanical or electrical connection between the injection pump and the irrigation pump such that, if the irrigation pump should cease to function, the injection pump also ceases to function.

J. "Irrigation System" means any device or combination of devices that convey water from any source of ground or surface water through hoses, pipes, or other such methods to agricultural crops, nursery, turf, golf course, greenhouse sites, or land.

K. "Vacuum Breaker" means a device designed and constructed to automatically relieve the vacuum in an irrigation pipeline.

**HISTORY:** Added by State Register Volume 15, Issue No. 4, eff April 26, 1991.

## **27-1091. Enforcement [of Backflow Prevention Act, Chemigation Act].**

(Statutory Authority: 1976 Code § 46-1-140)

A. Regulatory and Public Service Programs, Division of Agriculture and Natural Resources, Clemson University, hereafter referred to as Regulatory Programs, has responsibility for enforcement of the provisions of the act and the regulations promulgated herein. The Director hereby designates the Department of Fertilizer and Pesticide Control for implementation of the act and these ensuing regulations.

B. The Director, after an opportunity for a hearing, may assess a civil penalty of not more than \$500 for each offense, per day of noncompliance against anyone violating this statute or these regulation as provided by Section 46-1-140 of the Code of Laws of South Carolina, 1976. Any person aggrieved by such action may obtain review thereof under the Administrative Procedures Act.

C. For the purpose of carrying out the provisions of this act and these regulations, the Regulatory Programs's agents may enter upon any site, public or private, where chemigation equipment is utilized at reasonable time, by consent or warrant, in order to inspect the chemigation equipment, sample water reported to be exposed to chemicals, and sample chemicals being applied by chemigation.

D. The Regulatory Program's agents may, if denied access to any land or premise, obtain a warrant from an appropriate court to inspect the chemigation equipment.

**HISTORY:** Added by State Register Volume 15, Issue No. 4, eff April 26, 1991.

## **27-1092. Specifications and Records [pertaining to Backflow Prevention Act, Chemigation].**

(Statutory Authority: 1976 Code § 46-1-140)

A. The anti-siphon devices required by these regulations and the act to be installed: check valve, vacuum breaker, low pressure drain, and mechanical or electrical interlock, cannot be altered in any way that negates their effectiveness. They must be constructed of materials resistant to chemicals and maintained functionally free of corrosion or other build up and must remain operative at all times when chemigating.

B. The low pressure drain and the vacuum breaker must be placed upstream, oriented by the direction of water flow, from the check valve. Therefore, the low pressure drain and the vacuum breaker must be placed between the check valve and the water source. The relative position of the vacuum breaker and the low pressure drain to each other is unimportant.

C. Regulatory Programs must be notified of any actual or suspected contamination of the water source resulting from chemigation.

D. Records of chemigation applications shall be maintained for a period of two years, and must be shown to Regulatory Programs agent upon request. These records will include: type chemical applied, date, rate of chemical applied, site, and water source. These records can be met as notations on the chemical purchase invoice or production logs.

E. All chemical label requirements for chemigation must be followed when chemigating.

F. The low pressure drain should be connected to a hose or pipe which will prevent contaminated water from draining into the water source. The outlet of this drain system must be at least 20 feet from the water source. The low pressure drain outlet on the irrigation pipe line should be at least two inches

above grade, to facilitate connecting the drain line. The low pressure drain must be constructed so that the top of the drain is flush with the bottom of the irrigation pipe to properly drain all contaminated water in the irrigation pipe.

G. Check valves must be positive closing. They must be flanged and bolted onto the irrigation pipe or otherwise constructed in order that they can be removed for servicing; welded in check valves which cannot be removed for inspection and servicing are not permitted. Maintenance shall be as necessary to insure proper performance of the check valve. The Regulatory Programs agent determination of the need for replacement of the seals, discs, or other portion of the check valve prone to maintenance will be final and adhered to by the chemigator, or the equipment will be considered ineffective and in violation of the act.

H. Where chemigation is accomplished by gravity flow or venturi systems, one of the following must be accomplished to prevent continued chemigation should the system shut down:

(1) Check valve that requires positive head for opening at least 10 psi cracking pressure should be installed on the chemical supply line on the discharge side of the chemical injection pump such that the valve opens only when the irrigation line is adequately pressurized. When head is lost on the irrigation pipe this check valve will shut preventing further passage of chemicals. The chemical pump, if operating this device must be installed.

(2) An automatic operated valve installed on the chemical supply line on the intake side of the chemical injection pump. This valve must open only when the irrigation line is adequately pressurized; it must prevent leakage from the chemical supply tank upon system shutdown. If the valve is electrical and power is lost at the irrigation pump, it must be shut down preventing further passage of chemicals.

(3) An elevated loop of the chemigation pipe must be installed between the irrigation pipe and the chemigation tank such that the top of the loop is higher than the top of the chemigation tank. A vacuum relief valve must be installed at the top of this loop which would prevent flow of materials in either direction should the venturi draw on the chemigation tank be stopped.

**HISTORY:** Added by *State Register Volume 15, Issue No. 4, eff April 26, 1991.*

## **ARTICLE 18**

### **BOLL WEEVIL QUARANTINE**

(Statutory Authority: 1976 Code §§ 46-9-40, 46-9-50, 46-9-60 and 46-10-10 et seq.)

#### **27-1095. Delegation of Authority.**

The State Crop Pest Commission hereby authorizes and delegates to the Director (hereafter, Director), Regulatory and Public Service Programs, Division of Public Service and Agriculture, Clemson University, the responsibility for the administration and enforcement of the rules, regulations and quarantine contained hereunder and any other rules, regulations or quarantines which may be promulgated under any provision of law assigned to the jurisdiction of the Commission. The Director's address is 511 Westinghouse Road, Pendleton, S. C. 29670.

**HISTORY:** Added by *State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.*

#### **27-1096. Reporting and Location of Cotton Acreage.**

A. All cotton producers in the State shall submit a preliminary Cotton Acreage Reporting Form (PCARF), as approved by the Commission, by May 1 (except when May 1 falls on a state or federal holiday or on a weekend, in which case the PCARF is due no later than the close of business on the next federal work day) of the current growing season to the county Farm Services Agency office which services the county in which the cotton is planted or to be planted. This report must be filed for each

growing season and must list all the cotton acreage which the producer intends to plant in the county. Each grower who fails to file a timely PCARF may be assessed a penalty not to exceed three dollars (\$3.00) per acre. The Director may, in his sole discretion, waive this penalty upon timely presentation of adequate written justification by the producer.

Cotton farmers shall file a final Cotton Acreage Reporting Form (FCARF), as approved by the Commission, on or before July 15 in the same county FSA office, which lists all the cotton acreage actually planted by the producer in the county. Should the final CARF acreage exceed the preliminary CARF acreage by 10 percent or more, the Commission will impose a penalty of two dollars (\$2.00) per acre for each acre (or portion thereof) which exceeds the 10 percent tolerance. The Director may, in his sole discretion, waive this penalty upon timely presentation of adequate written justification by the producer.

B. Willful failure to list any final cotton acreage is a violation of this regulation and the producer shall, upon conviction, be punished in accordance with Section 46-9-90 (A). Additionally any cotton acreage found unreported after July 15 of the growing season will be assessed at the maximum rate allowed by law and assessed the maximum penalty allowed for failure to make timely payment.

C. Non-commercial or ornamental cotton shall not be planted without the prior written approval of the Director. A request for approval will include a brief description of the acreage and the purpose for such planting. The Director will base his decision on:

1. Location of growing area;
2. Size of intended planting area;
3. Pest conditions in the growing area;
4. Any stipulations or requirements as may be set forth in a compliance agreement between the noncommercial grower and the Director, which the Director determines are necessary for the effectuation of the program.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997; State Register Volume 22, Issue No. 4, eff April 24, 1998.

## **27-1097. Participation in Program, Payment of Fees, Collections, Penalties.**

A. All cotton producers in the State are required to participate in the eradication/containment program. Participation shall include timely reporting of acreage and field locations, maintenance of access to the fields for program employees, compliance with regulations and payment of required fees. The Director shall publish the program costs per acre on or before March 15 of each growing year, as set by the State Crop Pest Commission in consultation with the South Carolina Boll Weevil Eradication Foundation, Inc. (SCBWEF). The following procedures are mandatory:

1. Each producer must file the preliminary and final Cotton Acreage Reporting Forms at the FSA office which serves the county in which the cotton is to be grown;
2. Each producer must pay the determined fee, not to exceed ten dollars (\$10.00) per acre for commercial cotton, on or before July 15 of the then current growing season. Final payment must be based on FSA certified or measured acreage of reported fields;
3. All fees and penalties will be paid by the producer, or someone on the producer's behalf. Fees and penalties will be collected by the appropriate FSA office and timely transmitted to the Director. Checks, money orders, and other negotiable instruments will be made payable to the SCBWEF;
4. The Director must assess a penalty, not to exceed five dollars (\$5.00) per acre, for failure to make full and/or timely payment. All payments must be made on or before July 15, except when July 15 falls on a state or federal holiday or on a weekend, in which case payment is due no later than the close of business on the next federal work day. The Director, in determining the appropriate penalty, shall consider the length of the delay, the efforts and costs expended in the collection process, and any information provided by the producer. Dishonored checks, if not made good on or before the July 15 deadline, will be considered as failure to make timely payment and may be assessed the full penalty, in addition to any other penalties or charges authorized by law;

5. Non-commercial/ornamental cotton shall be assessed at \$40.00 per acre or any fractional part thereof.

B. The Director will pursue all deficiencies/failures to pay in accordance with Chapter 13 of Title 46, this regulation, and any other available provisions of law including, but not limited to, participation in the set-off debt collection program of the S. C. Department of Revenue and Taxation. In each case, after informal means of collecting past due debts have failed, the Director is authorized to file a Notice of Assessment, and if the debt remains unpaid for thirty days thereafter, the Director is authorized to file a Warrant for Distraint in the county in which the cotton was to be produced.

C. Deleted.

D. Acreage subject to hardship conditions which result in the effective destruction of the crop may be considered for a refund. The refund amount will be determined by the Director, after consultation with the Board of Directors, SCBWEF. In determining any refund amount, the per acre fee shall be divided into two components: administration and field inspection. The administrative portion shall be refunded only for cotton acreage certified to the Department by July 1 as having been destroyed before July 1. The field inspection portion shall be prorated according to the number of trapping cycles performed before the cotton was certified as destroyed compared to the number of trapping cycles scheduled. Cotton acreage will be considered destroyed as of the date the acreage is certified as destroyed by the Department, FSA or other agency or individual authorized by the Director. To be considered destroyed, the crop must be plowed under.

E.

1. Inasmuch as cotton stalks provide refuge for overwintering boll weevils, the Director may require the destruction of cotton stalks in any area in which reinfestation has occurred. Reinfestation is considered to have occurred when two or more adult boll weevils are captured in or adjacent to any trapped field between September 15 and December 15 of a calendar year. After written notice by the Director to the affected producers, the producers must destroy cotton stalks within 45 days after notice by the Director. Notice shall be considered given when the notice letter from the Director is placed in the U. S. mail, with adequate postage affixed.

2. Destruction is accomplished by shredding and/or discing any standing cotton stalks. All rows and stalks must be effectively destroyed. Any affected producer who cannot destroy cotton stalks within the required period due to emergency or hardship may apply for a waiver. The application must be made within 30 days after notice by the Director and must state the conditions which may justify the waiver. The Director shall notify the producer of his decision within two weeks after receipt of the waiver request. Waivers shall be approved only if justified by emergency or hardship due to meteorological conditions, serious illness as stated in a doctor's certification, or other causes beyond the control of the producer.

3. Any field containing undestroyed stalks 45 days after notice is given will be treated as containing regulated articles and quarantined until such stalks are destroyed, or the Director may cause the stalks to be destroyed. Should the Director cause the stalks to be destroyed, any costs associated with such destruction, other than the salaries of agents and/or employees of the Commission, shall constitute a lien on the property on which the stalks were located. Additionally, any producer who fails to comply with the Director's notice, absent such a waiver as provided for above, shall be assessed a penalty fee of \$10.00 per acre.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 14, Issue No. 4, eff April 27, 1990; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 18, Issue No. 6, eff June 24, 1994; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997; State Register Volume 22, Issue No. 4, eff April 24, 1998.

## **27-1098. Definitions.**

(Statutory Authority: 1976 Code § 46-10-30)

For the purpose of this Section, in addition to definitions contained in Chapter 46-10-20 of the Boll Weevil Eradication Act, the following shall apply:

A. "Boll Weevil Eradication Foundation of South Carolina, Inc." means a cotton grower's organization certified by the State Crop Pest Commission for the purpose of entering into agreements with the State of South Carolina, other states, and federal agencies as may be necessary to carry out the purposes of this Act.

B. "Compliance Agreement" means a written agreement between a person engaged in growing, dealing in or moving regulated articles and the South Carolina Department of Plant Industry of Clemson University, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the boll weevil.

C. "Exemption" means provisions contained in these regulations which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

D. Cotton Producer (Producer) means the person(s) responsible for production and sale of a cotton crop on any individual farm. Generally, the owner of the crop.

E. "Gin Trash" means all of the material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton except the lint, cottonseed, gin waste.

F. "Inspector" means any authorized employee of the South Carolina Department of Plant Industry of Clemson University or any person authorized by the Director to enforce the provisions of this Section.

G. "Non-commercial Cotton" means cotton intended for purposes other than processing, including ornamental cotton.

H. Ornamental cotton means cotton of any color planted on any premise for purposes other than commercial production for lint and includes seeds, bolls, potted plants or any portions of the plant being distributed or offered for sale. This term encompasses cotton planted for educational purposes, as a tourist attraction, for retail or wholesale sale as a growing or dried plant, for individual use or for personal satisfaction.

I. Department of Plant Industry (Department) means that unit within Regulatory and Public Service Programs, Clemson University which is responsible for all plant regulatory and quarantine programs in the state.

J. "Regulated Area" means any quarantined state or any portion thereof designated as a regulated area.

K. "Seed Cotton" means cotton as it comes from the field prior to ginning.

L. FSA means the United States Department of Agriculture, Farm Service Agency.

M. "Used Cotton Equipment" means cotton equipment previously used to harvest, strip, transport, or process cotton.

N. "Waiver" means a written authorization which exempts an individual from compliance with one or more specific requirements of this Section.

O. Program means the Boll Weevil Eradication Program.

P. Quarantine area means the entire state of South Carolina, any other quarantined state, and any area which is generally infested with the boll weevil.

Q. Regulated area means the entire state of South Carolina, except that portion of the State which has been designated as an infested area. For purposes of this regulation, the terms regulated area and containment area are synonymous.

R. Infested area means that portion of South Carolina in which boll weevils are found in excessive numbers, as determined by the Director, and in which eradication efforts are ongoing. It also means any other State or portion thereof which produces commercial cotton and in which the boll weevil is not eradicated or in containment, as determined by that state's Department of Agriculture or certified grower's organization.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.



## 27-1099. Regulated Articles.

(Statutory Authority: 1976 Code § 46-10-30)

A. The following articles are regulated:

- (1) The boll weevil (*Anthonomus grandis* Boheman) in any living stage of development;
- (2) Seed cotton;
- (3) Gin trash;
- (4) Used cotton equipment;
- (5) Any other products, articles, or means of conveyance, or any character whatsoever, not covered by the above when it is determined by an inspector that they present a hazard of spread of the boll weevil, and the person in possession thereof has been so notified.

B. The following articles are prohibited from sale or distribution within the state:

- (1) ornamental cottonseed; and
- (2) individual potted specimens of cotton plants.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## 27-2000. Conditions Governing the Movement of Regulated Articles.

A. Certificate or Permit Required

A certificate or permit must accompany the movement of regulated articles from any infested area into or through any regulated area. Regulated articles originating outside an infested area may be moved without a certificate or permit provided the point of origin is demonstrated to be outside any commercial cotton producing area, and further provided that any regulated articles moving through the regulated area or any infested area are protected from infestation during transit.

B. Attachment of Certificates or Permits

Required certificates and/or permits shall be securely attached to the outside of the container in which the articles are moved. Alternatively the certificate or permit may be attached to the shipping document, provided the regulated articles are adequately described.

C. Issuance of Certificates

Certificates may be issued by an inspector if the regulated articles:

- (1) have originated in a non-infested premise in a regulated area and have not been thereafter exposed to infestation; or;
- (2) have been treated to destroy infestation in accordance with approved procedures; or
- (3) have been, grown, manufactured, stored or handled in such manner that the inspector is reasonable certain that no infestation would be transmitted thereby; or
- (4) have been examined by the inspector and found to be free of infestation.

D. Issuance of Permits.

Permits may be issued by an inspector to allow the movement of non-certified regulated articles to locations outside the regulated areas for particular handling, utilization, processing, or for treatment in accordance with approved procedures, provided the inspector is reasonably certain that such movement would not result in the spread of the boll weevil.

E. Cancellation of Certificates and Permits.

Any issued or authorized certificate or permit may be withdrawn by the inspector if he determines that: the holder thereof has not complied with any condition for the use of such documents or with any conditions contained in a compliance agreement; there were material omissions or misrepresentations in the application for a permit; or that a significant change in circumstances has occurred.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## **27-2001. Movement of Regulated Articles with Specified Areas.**

A. Regulated articles may move freely within regulated areas, provided however that no regulated article may move through an infested area to a regulated area unless adequate precautions, as determined by an inspector, are taken to prevent infestation.

B. Regulated articles may not move from an infested area unless an inspector has determined that a hazard of spread does not exist. A property owner so notified may move the regulated article into the regulated area only under the conditions approved by the inspector.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## **27-2002. Disposition of Certificates and Permits.**

(Statutory Authority: 1976 Code § 46-10-50)

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988.

## **27-2003. Movement for Scientific Purposes.**

(Statutory Authority: 1976 Code § 46-10-50)

Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is obtained from the Director or his authorized official and securely attached to the container of such articles or to the article itself.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988.

## **27-2004. Compliance Agreement.**

(Statutory Authority: 1976 Code § 46-10-50)

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in growing, purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he/she will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement. Any compliance agreement may be cancelled when compliance is no longer required.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register 11, Issue No. 4, eff April 24, 1987; State Register 12, Issue No. 3, eff March 25, 1988.

## **27-2005. Inspection and Disposal.**

(Statutory Authority: 1976 Code §§ 46-10-50 and 46-10-70)

An inspector is authorized to stop and inspect any person or means of conveyance moving into, within, or from the State of South Carolina upon reasonable grounds to believe that such means of

conveyance or articles are infested with the boll weevil, and such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these regulations.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988.

## **27-2006. Regulated Areas.**

(Statutory Authority: 1976 Code § 46-10-50)

The following areas are regulated:

- (1) The entire State of South Carolina;
- (2) All states and portions of states infested with the boll weevil.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988.

## **27-2007. Experimental Areas.**

(Statutory Authority: 1976 Code § 46-10-50)

Producers in designated experimental areas may be exempted from specified requirements of this Section provided that they abide by criteria as stipulated by the Director in a compliance agreement. The experiments in these areas must contribute to the development of scientific knowledge deemed of importance to the production of cotton.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988.

## **27-2008. Purchase of Cotton for Effectuation of Program Objectives.**

The Director with consent of the owner may purchase growing commercial cotton when he deems it in the best interest of the program. Purchase price shall be based on the FSA farm established yield for the current year, or if current year yields are not available, then for the most recent year.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## **27-2009. Boll Weevil Treatments.**

### **A. Aerial Application.**

(1) Aerial application is the preferred method for all boll weevil treatments. Aerial application will be accomplished by contractual agreement with the SCBWEF (or its agent) and the certified aerial applicators. There shall be no exceptions to the terms of this contract except as provided in A.3, A.4, B.1, B.2, and B.3, below;

(2) Ultra low volume application will be utilized for application of program approved pesticides for diapause and in season control. All pesticides will be utilized in strict compliance with its label, unless approved in advance by the appropriate authorities;

(3) Aerial application utilizing conventional rates of program approved pesticides will be considered on a case-by-case basis for any cotton producer. Requests in advance shall be made to the SCBWEF agent in charge of the area in which the farm is located who will be responsible for approval of such changes based on program impact and management ability. The agent in charge will forward a copy of each request to the Director. The cotton producer must also agree to pay any difference in application costs between conventional application and ultra low volume application based on the application bid price within the spray unit block;

(4) All pesticides to be applied will be provided to the aerial applicator and will be delivered to the various designated loading sites;

(5) The aerial applicator shall be responsible for compliance with all applicable environmental laws and regulations. The applicator shall pay special attention to label requirements protecting beneficial insects.

### **B. Ground Application**

(1) Ground application will only be utilized in those situations where field size, location, label requirements or other factors make aerial application undesirable;

(2) Prescribed ground application will be accomplished by program equipment or by contract. Program personnel may request individual cotton producers, when advantageous to the program, to tank mix boll weevil pesticides with any other applications the cotton grower may be making, consistent with label requirements;

(3) Consideration will be given to individual cotton producers who may wish to use their own equipment and treat their own acreage. A written request should be submitted to the Director by May 15th of each calendar year. The cotton producer should also submit a bid price on a per acre or per gallon basis for contractual purposes. Each request shall be subject to review and approval by the Director and the SCBWEF. Approval will be based on cost, acceptance of bid requirements, program impact and management ability. Upon approval, the SCBWEF will work with the cotton producer in carrying out the treatments. If the producer's bid is accepted, the producer must enter into a contractual agreement with the appropriate program authority and is further responsible and subject to the requirements of A.3 above;

(4) All pesticides to be applied will be provided and delivered to the cotton producer unless the parties mutually agree to other arrangements;

(5) Any individual cotton producer approved to treat his own cotton acreage must be certified and licensed as a private or commercial pesticide applicator in accordance with the requirements of the South Carolina Pesticide Control Act, SC Code §§ 46-13-10 *et seq.* and the regulations issued thereunder.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 9, Issue No. 3, eff March 22, 1985; State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## **27–2010. Solicitation for Bid Process.**

### **A. General Requirements**

(1) The Department anticipates that all solicitations for bids for pesticide applications under the Boll Weevil Eradication Program will be issued by the SCBWEF (or its designated agent) or a successor organization. Should the Department be required to solicit bids or let contracts implement any application programs, the Department shall utilize the guidelines in this regulation;

(2) All commercial agricultural aircraft operations in South Carolina must comply with the Federal Occupational Safety and Health Act of 1971 (OSHA), the South Carolina Occupational Safety and Health Act, and the rules and regulations promulgated by the Federal Aviation Administration and the South Carolina Aeronautical Commission;

(3) All pesticide applicators must comply with the S. C. Pesticide Control Act of 1975 as amended and the regulations promulgated thereunder;

(4) All applicators must be licensed and certified in South Carolina to be eligible to bid on or enter into application contracts to be awarded under the Program.

### **B. Bid Process**

(1) Solicitation for bids will be issued by the SCBWEF (or its designated agent), any successor organization, or if necessary, the Department;

(2) The solicitation for bid will contain the necessary information to assist the applicator in submitting an appropriate bid;

(3) Spray unit blocks will vary in size. Acreage and maps outlining the general area(s) to be sprayed will be included with each solicitation;

(4) Bids on all spray block units will normally be solicited from all certified and licensed aerial applicators who service South Carolina cotton producers; however, dependent upon the spray block unit, the solicitation to bid may be limited to those qualified applicators within the spray block unit or the immediate vicinity thereof;

(5) Bids will be awarded to the lowest responsible, responsive bidder.

**HISTORY:** Added by State Register Volume 8, Issue No. 2, eff February 24, 1984. Amended by State Register Volume 10, Issue No. 5, eff May 23, 1986; State Register Volume 11, Issue No. 4, eff April 24, 1987; State Register Volume 12, Issue No. 3, eff March 25, 1988; State Register Volume 15, Issue No. 4, eff April 26, 1991; State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997.

## **ARTICLE 19**

### **PARKING AND TRAFFIC REGULATIONS**

#### **Editor's Note**

The following regulations became effective May 27, 1988, unless indicated otherwise.

#### **27-3000. GENERAL.**

##### **27-3000.1. General Information.**

These regulations repeal and supersede all prior Parking and Traffic Codes at Clemson University. The operation of motor vehicles on the campus of Clemson University is a privilege granted by the Board of Trustees of Clemson University. The privilege is extended to faculty, staff, students and visitors to the campus. Failure to adhere to these regulations as well as the laws of the State may result in a warning or citation and may result in the loss of parking privileges on the campus of Clemson University.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

##### **27-3000.2. Applicability.**

These regulations apply to the drivers, owners or registrants of all motor vehicles on the Clemson University campus and are enforced twenty-four hours a day, every day of the calendar year, unless otherwise provided in these regulations. The person registering the vehicle, (or for unregistered vehicles, the owner), is responsible for all citations issued against the vehicle.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

##### **27-3000.3. Definitions.**

A. Campus: All University property located within the jurisdictional boundaries of the Municipal Corporation of Clemson University as established by Section 59-119-310, South Carolina Code of Laws (1976), as amended. Tillman Hall is the University Building referred to in this section.

B. Construction Employee: Any person employed by a company which is engaged in the construction, renovation, or repair to campus buildings or other facilities.

C. Contract Employee: Any person, not a student or employee, who renders on-campus services to Clemson University through the provisions of a contract for services.

D. Employee: Any person, other than a student, who renders services to Clemson University for remuneration. This category includes all faculty, administrative and staff personnel employed by the University, and contract employees.

E. Fire Lane: An area specifically designated by sign(s) and/or street markings containing the phrase "Fire Lane". Fire Lanes are reserved for use by emergency vehicles for emergency access to campus facilities.

F. Loading Zone: An area specifically designated by sign(s) and/or pavement marking with the phrase "Loading Zone".

G. Motor Vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

H. Municipal Court: The Municipal Court has been established by the governing body of the Municipal Corporation of Clemson University (59-119-310) in accordance with Section 14-25-5 et seq.

I. Parking Review Judicial Officer: That person appointed by the President of Clemson University to direct the operation of the Parking Review Boards and to hear appeals from the decisions of the Parking Review Boards.

J. Parking: The standing of a motor vehicle, whether occupied or not.

K. Parking Review Board: Parking Review Boards shall consist of students, faculty and staff, nominated by their respective governing organizations, and shall operate as a board subordinate to the Parking Review Judicial Officer. Parking Review Boards shall hear all initial appeals of parking citations. Parking Review Boards shall operate under procedures as approved by the President of Clemson University.

L. Parking Citation: A citation for violation of the Clemson University parking regulations and a notice of right to appeal within fifteen calendar days of the date of violation.

M. Past Due Citation: A parking citation which has not been paid, or for which the appellate process has not been initiated within fifteen calendar days of the date of violation.

N. Parking Enforcement Officer: An employee of Clemson University authorized to issue parking citations.

O. Service Vehicle: A motor vehicle used primarily to effect repairs and/or maintain campus buildings and facilities.

P. Student: Any person, other than a full-time employee of Clemson University, who is enrolled either full or part-time and includes persons enrolled to audit one or more classes.

Q. Vendor: Any person, not an employee, student or contract employee, who provides sales and/or repair services to Clemson University.

R. Visitor (Guest): Any person other than a student, employee, construction employee, contract employee, or vendor who parks a motor vehicle on campus.

**HISTORY: Amended by State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

## **27-3000.4. Official Traffic Control Devices.**

A. Any person who operates or parks a motor vehicle on the campus shall obey any official traffic sign or other control device properly placed in accordance with the provisions of this regulation except when otherwise directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus. Whenever a particular section of these regulations does not state that signs are required, such section is effective without signs being provided.

B. The University Police Department, in accordance with procedures approved by the President of Clemson University, shall place and maintain such signs, markers, and other traffic control devices upon campus as shall be necessary to control traffic. No person shall, without lawful authority, alter, knock down, or remove any official parking or traffic control device.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

## **27-3000.5. Liability for Protection of Motor Vehicles.**

Clemson University, its officers and employees shall have no liability for the care and/or protection of any motor vehicle or its contents at any time while it is being operated or parked on the campus. Thefts or damages that occur should be reported to the University Police Department.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

### **27-3001. PARKING PERMITS.**

#### **27-3001.1. Parking Services Department.**

The Parking Services Department is responsible for issuing vehicle parking permits, receiving parking citation payments, and maintaining records of parking permits and parking citations issued to violators of the Clemson University Parking Regulations. The department serves as liaison to the Clemson Area Transit system, and provides for the maintenance and designation of campus parking facilities.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

### **27-3001.2. Motor Vehicles Required to Display a Parking Permit.**

A. All persons who park or let stand a vehicle on campus must immediately obtain and display a valid parking permit. If the offices of Parking Services are closed, a temporary permit may be obtained at the University Police Station.

B. Visitors must display a valid guest parking permit to park on campus except when parked:

(1) For a period of time less than three (3) hours in areas specifically designated as visitor parking, unless otherwise indicated by sign or pavement marking;

(2) In areas designated as public parking for a special event;

(3) In undesignated timed spaces.

C. Vehicles owned or leased by, or under the control of, University departments, that are identified with the approved University vehicle identification permanently affixed to the exterior of the vehicle, shall be exempt from the requirement to display a parking permit.

D. Permits, decals, hang tags, and/or placards must be clearly displayed in accordance with instructions provided by the Department of Parking Services. Any alteration of a permit, decal, hang tag, or placard shall render it invalid.

E. Students may register any vehicle except a vehicle which belongs to another student.

**HISTORY:** Amended by State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3001.3. Accessible Parking for Persons With Disabilities.**

Vehicles parked in spaces reserved for individuals with disabilities are required to prominently display a valid disability access parking placard or license plate, issued by a State Highway Department. In addition to spaces specifically reserved for disability access, any vehicle displaying a valid disability access permit may park in an employee, student, or timed parking space. Persons with temporary impairments may obtain a time-limited disability access parking permit, not to exceed four weeks, from the office of Parking Services by providing a written statement from a physician stating that accessible parking is required. Individuals needing accessible parking for longer than four weeks must obtain a state-issued permit from the Department of Highways and Public Transportation. A current University decal or parking permit is required in addition to a disability access parking placard when parked in accessible parking spaces.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3001.4. Disabled Motor Vehicle Parking.**

Persons who must park in an unauthorized parking area due to a mechanical failure, may obtain temporary permission from the University Police Department. Permission will not be granted, or will be rescinded, if the motor vehicle is parked in a manner which obstructs a fire lane, impedes vehicular or pedestrian traffic, or is parked in any other unsafe manner.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3001.5. Parking Permit Fees.**

Parking permit fees will be charged according to a schedule of fees determined by the Board of Trustees or its designees.

**HISTORY:** Amended by State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3001.6. Removal of Decals/Permits.**

A. All unexpired parking permits/decal remain the property of Clemson University.

B. Any person to whom a decal has been issued shall remove the decal from the motor vehicle when the vehicle has been sold or traded, when the status of such person changes or terminates, or when the person has been lawfully denied parking privileges on campus.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3001.7. Loading Zones.**

A. Service vehicles and delivery vehicles may park in loading zones for two hours. Other vehicles must display a loading permit prior to parking in a loading zone.

B. Persons who wish to park near a University building to load or unload a motor vehicle may obtain temporary permission from the University Police Department. Permission will not be granted, or will be rescinded, if the motor vehicle is parked in a manner which obstructs a fire lane, impedes vehicular or pedestrian traffic, or is parked in any other unsafe manner.

**HISTORY:** Added by State Register Volume 18, Issue No. 5, eff May 27, 1994; Amended by State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

## **27-3002. PARKING AREAS.**

### **27-3002.1. General.**

A. Motor vehicles may be parked only in areas designated as parking areas by signs or street markings, except when otherwise directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus.

B. Motor vehicles may park only in areas or spaces for which the decal or permit is valid. Decals and/or permits must be clearly visible and displayed in accordance with instructions issued by Parking Services.

C. Parking is prohibited in areas posted or marked as "Fire Lane" and in areas not designated as parking areas by sign or pavement marking.

D. Motor vehicles parked in violation of these regulations may be towed and impounded at the owner's expense and risk, and shall not be released until all unpaid parking citations and towing and impound fees (including daily storage/impound) have been paid.

E. Marks or symbols placed on a motor vehicle by an officer shall not be altered, erased, removed, or obliterated.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3002.2. Special Event Parking Areas.**

A. Special event parking areas shall be designated by sign(s) and/or as directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus.

B. Unauthorized motor vehicles may not park in areas posted as reserved for special event parking during the time period designated by the sign(s) and/or traffic control officer(s).

C. Athletic Event Parking Areas: Unauthorized vehicles may not park in areas designated reserved for athletic event parking within twelve hours prior to the start of a home varsity football or basketball game.

D. Vehicles authorized to park in areas reserved for special events shall be identified with placards or permits as approved by the Parking Services Department and issued by the event host prior to day of the event.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3002.3. Employee/Student Parking Areas.**

A. Employee parking areas shall be designated by sign(s) and/or green pavement markings. Areas posted as "Reserved for employees 24 hours" shall not be available for parking except for those



vehicles displaying a permit or decal valid for service vehicle or employee parking zones. Vehicles must display a valid employee or service vehicle permit to park in employee parking areas except:

(1) Vehicles displaying a valid commuting student decal may park in employee parking areas, except those posted as “reserved for employees 24 hours”, between the hours of 4:30 PM and 7:00 AM Monday through Thursday and from 4:30 PM on Friday until 7:00 AM on Monday.

(2) Vehicles displaying a valid resident student decal may park in employee parking areas, except those posted as “reserved for employees 24 hours”, between the hours of 9:00 PM and 7:00 AM Monday through Thursday and from 4:30 PM on Friday until 7:00 AM on Monday.

(3) Vehicles displaying a valid resident student decal may park in the following parking areas between the hours of 4:30 PM and 7:30 AM Monday through Thursday and from 4:30 PM on Friday until 7:30 AM on Monday unless otherwise restricted by these regulations (see R. 27-3002.2):

Employee Lot north of the Motor Pool;

Employee Lot west of Sistine Hall;

Employee Lot east of Newman Hall;

Employee spaces on Cherry Road between the intersection of Highway S.C. 93 and McMillan Road intersection.

B. Commuting student parking areas shall be designated by sign(s) and/or orange pavement markings. Commuting students may park in areas designated for commuter parking between the hours of 7:00 AM and 2:30 AM unless otherwise posted. Vehicles must display a valid commuting student parking decal to park in commuting student parking areas.

C. Resident student parking areas shall be designated by sign(s) and/or pavement markings. Vehicles must display a valid resident student parking decal to park in resident student parking areas.

(1) Clemson House residents must display a valid Clemson House resident decal to park in Clemson House resident parking areas.

(2) Apartment residents must display a valid decal appropriate to the apartment area of their residence.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

#### **27-3002.4. Visitor Parking Areas.**

A. Visitor parking areas shall be designated by sign(s) and/or pavement markings. These areas are reserved for bona fide visitors. Motor vehicles bearing a current university decal shall not park in these areas between the hours of 7:00 AM and 11:00 PM.

B. Visitors must display a valid guest parking permit to park on campus except when parked:

(1) For a period of time less than three (3) hours in areas specifically designated as visitor parking, unless otherwise indicated by sign or pavement marking

(2) In areas designated as public parking for a special event

(3) In undesignated timed spaces

C. Visitors may not park in service vehicle parking areas or in parking areas posted as “Reserved for employees 24 hours”.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

#### **27-3002.5. Service Vehicle Parking Areas.**

Service vehicle parking areas are marked by sign(s) and/or pavement markings. Vehicles bearing a valid service vehicle parking permit are the only vehicles authorized to park in these areas.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

### **27-3002.6. Accessible Parking for Individuals with Disabilities.**

Accessible parking areas reserved for individuals with disabilities are marked by sign(s) and/or pavement markings incorporating the international disability access symbol. Obstructing access to a parking area reserved for individuals with disabilities is prohibited. Vehicles displaying an official disability access license plate, permit or placard are the only vehicles authorized to park in these areas.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3002.7. Timed Parking Areas.**

Timed parking areas are marked by meter, sign(s) and/or pavement markings. Visitors may park in undesignated timed parking areas without displaying a permit, unless otherwise indicated by sign or pavement marking. Employees and students are required to display a current parking permit when parked in timed parking areas. Motor vehicles parked in timed areas may not park longer than the posted/marked time limit except from 2:00 AM until 7:00 AM.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3002.8. Motorcycle Parking Areas.**

Motorcycle parking areas are marked by sign(s) and/or pavement markings. Motorcycles may not park in any area except those areas specifically designated for their use.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

## **27-3003. OPERATION OF MOTOR VEHICLES.**

### **27-3003.1. Moving Motor Vehicles.**

All South Carolina statutory laws apply on University property at all times.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3003.2. Motor Vehicle Accidents.**

Any motor vehicle accident resulting in personal injury or property damage shall require the operator to report such accident to the University Police Department and to comply with South Carolina law regarding motor vehicle accidents.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3003.3. Closed Streets or Areas.**

No person, other than those who by the nature of their functions are required to do so, shall operate any motor vehicle in or upon any area of the campus which is closed by the use of barricades or other traffic control devices.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3003.4. Speed Limits.**

A. Unless otherwise posted, the speed limit on the campus of Clemson University is fifteen miles per hour.

B. No person shall operate a motor vehicle at a speed greater than is reasonable and prudent under the actual and potential hazards then existing, even where the posted speed limit may be faster.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3003.5. Pedestrians.**

Pedestrians on campus must obey applicable state laws and traffic control signals. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a motor vehicle which is so close as to constitute an immediate hazard.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

## **27-3004. VIOLATIONS AND PENALTIES.**

### **27-3004.1. Responsibility for Violations.**

The operator and/or owner or person in whose name a motor vehicle is registered shall be responsible for all violations incurred by the vehicle.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.2. Notice of Violations.**

A. A Parking Enforcement Officer or Law Enforcement Officer may issue parking citations or warning notices for violations of parking regulations.

B. Lawful issuance of a parking citation is a notice of violation of the parking regulations and notice of the right to appeal the citation to the appropriate appellate authority within fifteen calendar days after date of violation. Any person cited for a violation of the parking regulations may waive the right to appeal by paying the assessed penalty within fifteen days from the date of the violation. All unpaid parking citations for which the appeals process has not been initiated become past due on the sixteenth calendar day after the date of violation.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.3. Schedule of Penalties.**

A. Penalties for the following specified offenses shall be determined by the Board of Trustees or its designees. A schedule of penalties for the following listed offenses shall be available for inspection during normal business hours at the offices of Parking Services and the University Police Department.

1. Failure to display a current decal, permit, placard or hang tag;
2. Obstructing traffic or dumpster;
3. Obstructing sidewalk or crosswalk;
4. Parking in driveway or loading zone;
5. Parking on lawn area or yellow curb;
6. Overtime parking;
7. Parking in unauthorized space/area;
8. Obstructing a disability access ramp or space;
9. Parking in a space reserved for disability access;
10. Parking in fire lane and other towable offenses.

B. Any person who knowingly provides false information to obtain parking privileges shall be subject to a penalty not to exceed one hundred dollars. In addition, parking privileges may be suspended for a period not to exceed one year.

**HISTORY:** Amended by State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.4. Payment of Penalties.**

A. Penalties for parking violations are payable in person or by mail at the offices of Parking Services. After business hours, penalties assessed for towed vehicles may be paid at the Clemson University Police Department.

B. Penalties for moving violations are payable in person or by mail at the Clemson University Municipal Court.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.5. Moving Violations.**

Citations and penalties for moving violations shall be as provided in the South Carolina state statutes.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.6. Delinquent Violations.**

A. Persons who fail to pay the assessed penalty or who fail to initiate the appeal process within fifteen calendar days after the date of the parking violation have waived any right to appeal the citation.

B. Persons with one or more past due parking citations (citations which have not been paid or for which the appellate process has not been initiated within fifteen calendar days of the date of violation) may not register a vehicle to park on campus until all past due penalties are paid.

C. Persons with three (3) or more past due parking citations, may not park a vehicle on campus. No vehicle with three (3) or more past due parking citations may be parked on campus.

**HISTORY:** Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

### **27-3004.7. Motor Vehicle Towing and Impounding.**

A. In addition to any other remedy herein provided, Clemson University may have a motor vehicle towed, impounded and stored at the owner's expense and risk under the following conditions:

1. If the motor vehicle is illegally parked.
2. If the motor vehicle is presumed to be abandoned.
3. If the motor vehicle is not properly registered to include proper license plates and current decal or permit.
4. If the motor vehicle is parked in such a manner as to constitute a serious hazard to vehicular or pedestrian traffic, obstructing movement or operation of emergency equipment, obstructing the collections of trash at established locations, or parked in a marked fire lane.
5. If three (3) or more parking citations issued against an operator, owner or vehicle are past due.
6. If a vehicle is parked in a reserved space/area without an appropriate decal or permit.

B. Motor vehicles which have been towed and impounded will not be released until all unpaid parking citations, tow charges and impound fees have been paid. Motor vehicles impounded and not claimed within thirty days may be disposed of in accordance with South Carolina state statutes.

**HISTORY:** Amended by State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.

## **27-3005. APPEALS, BOARDS AND COMMITTEES.**

### **27-3005.3. Appeals.**

A. Any person cited for a violation of the parking regulations may waive the right to appeal by paying the assessed penalty within fifteen calendar days from the date of the violation.

B. The President of Clemson University may establish one or more Parking Review Boards to hear appeals of parking citations. A schedule of locations, procedures and board meeting times and dates shall be available during business hours in the offices of Student Government, Parking Services, and the Police Department.

C. Any person desiring to appeal the decision of the Parking Review Board must petition the Parking Review Judicial Officer within five calendar days of the decision by the Parking Review Board.

The petition must clearly and concisely state the ground(s) for appeal. The Parking Review Judicial Officer may summarily decline to entertain any such appeal.

**HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

#### **27-3005.4. Appointment of Boards and Committees.**

A. The President of Clemson University is designated the authority to administer and enforce these regulations and may further delegate this authority if he chooses to do so.

B. The President of Clemson University may appoint such boards and committees as he deems necessary to assist in the administration of the rules and regulations contained herein.

C. The Parking Advisory Committee is an advisory committee to make recommendations to the Vice President for Student Affairs concerning parking improvements and changes, and parking restrictions.

**HISTORY: Added by State Register Volume 18, Issue No. 5, eff May 27, 1994; Amended by State Register Volume 22, Issue No. 6, Part 1, eff June 26, 1998.**

#### **27-3006. Non-Motorized Vehicles.**

##### A. General

1. Clemson University recognizes non-motorized vehicles as important and legitimate means of transportation, provided they are operated with due regard and concern for the safety of the general public.

2. Pedestrians in cross walks, on sidewalks, and at all other locations designated for pedestrian traffic shall have the right-of-way over non-motorized vehicles.

##### B. Definitions

1. Non-motorized vehicle—any wheeled vehicle which relies wholly or in part upon human or animal power for propulsion. This includes skates, cycles, skate boards and similar devices, but does not include wheelchairs operated by mobility impaired persons.

2. Cycles—includes unicycles, bicycles, tricycles, and other similar wheeled vehicles, regardless of the number of wheels.

3. Skates—includes roller skates, roller blades, in-line skates, skate boards, and similar devices, regardless of the number of wheels.

##### C. Non-motorized cycles

1. Non-motorized cycles are governed by state law. The cyclist has a right to use the streets and highways just as a motorist. However, the relative size of the cycle and the lack of safety devices make it extremely important that cycles be operated in accordance with the letter of the law.

2. Cycles may be ridden only in streets, highways, parking lots, and designated cycling paths. Cycles may not be ridden on any sidewalk unless that specific section of the sidewalk has been designated as a part of a cycling path.

3. Cycles and cyclists shall in all respects comply with applicable state laws and regulations, including but not limited to: turn signals, lighting, brakes, lane changing, etc.

4. Bicycle racks are provided throughout campus for parking. All parked bicycles should be locked in the rack.

##### D. Skates

1. Skates may be operated on campus in designated areas.

2. Skates may not be operated in campus buildings at any time.

##### E. Prohibited Activities

1. Acrobatic maneuvers, stunts, trick riding, speed runs, or other movements designed to display or demonstrate the operator's physical ability to manipulate the non-motorized vehicle are prohibited on university property, except in areas specifically designated for such operations.

2. The operators of non-motorized vehicles are responsible for controlling the speed of such device so as not to endanger any pedestrian.

#### F. Penalties

Any person violating the provisions of this regulation may, upon conviction, be fined not more than \$200.00. Additionally, the violation shall be reported to appropriate authorities for administrative action as deemed appropriate.

Non-motorized vehicles are legitimate means of transportation and may be operated on campus sidewalks and paths, provided they are used solely as a means of transportation and not for purposes prohibited by Paragraph A.4 above.

**HISTORY: Added by State Register Volume 23, Issue No. 5, eff May 28, 1999.**

## ARTICLE 20 EQUINE SALES FACILITY

### **27-4000. Definitions.**

#### A. Horse

For the purpose of these regulations, "horse" means any member of the equine family including horses, mules, asses, zebras or other equadae.

#### B. Equine Sale Facility

For the purpose of these regulations, an Equine Sales Facility hereinafter sometimes referred to as the "facility", shall mean any premise where horses are assembled for the purpose of being sold, bartered or exchanged. This includes any point where a change of ownership takes place or is a part of the procedure.

**HISTORY: Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.**

### **27-4001. Permits.**

#### A. Requirement

Any person, person, firm or corporation operating an Equine Sales Facility in South Carolina must possess a valid permit obtained in accordance with these regulations.

#### B. Application

Any person, persons, firm or corporation wishing to operate an Equine Sales Facility in South Carolina shall make written application to the State Veterinarian on the forms furnished by the Office of the State Veterinarian and shall show the full name and address of all persons having a financial interest in the facility, the name of the officers, manager or person in charge, the name under which the facility will operate, and the date and time of the sale and location of the facility.

#### C. Inspection

Upon filing of the application on the forms provided the State Veterinarian or his authorized designee shall make an official inspection of the premises of the applicant and upon determining that the owner of the proposed facility is qualified to comply with the provisions of these regulations, the State Veterinarian shall issue the permit.

#### D. Duration of Permits

All permits issued under the provisions of these regulations shall remain in effect from year to year unless revoked by the State Veterinarian.

#### E. Revocation of Permits

The State Veterinarian shall revoke the permit of any sales facility if he determines that there has been a willful violation of any requirements of these regulations. Prior to any revocation of a permit an opportunity for a hearing will be provided.

**HISTORY: Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.**

### **27-4002. Facilities.**

#### A. Cleaning and Disinfection

All areas of the holding facilities shall have a drainage system and shall be cleaned and disinfected as the State Veterinarian or his authorized designee may prescribe.

#### B. Bonding

The facility must meet the bonding requirements as set forth by the USDA Packers and Stockyards Administration.

**HISTORY:** Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.

### **27-4003. Equine Infectious Anemia Testing.**

#### A. Testing

Any horses entering an Equine Sales Facility in South Carolina must be accompanied by an official certificate showing that it has reacted negatively to an approved test for equine infectious anemia within the last six (6) months.

#### B. Responsibility

It shall be the responsibility of the person in charge of the facility at the time of the sale to require the "official certificate" proof that the horse has met the testing requirements before it is allowed to enter the facility.

C. The official certificate shall go with horse to the purchaser or in the case of a no sale, will be returned to the consignor.

**HISTORY:** Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.

### **27-4004. Records.**

A. A record keeping system shall be established by the operator of any Equine Sales Facility which ensures that appropriate records are maintained on all horses enter the facility. The records must include the name and address of the horse, date of sale, and the name and address of the purchaser, if any. In addition, the records shall show the complete information in regard to the Equine Infectious Anemia test which includes the date of test, name and address of the testing veterinarian, the testing certificate description and number.

B. These records shall be made available to the State Veterinarian or his authorized designee, upon request.

C. These records shall be maintained by the facility for a period of at least two (2) years.

**HISTORY:** Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.

### **27-4005. Quarantine.**

A. The facility shall be placed under quarantine when it has been determined by the State Veterinarian or his authorized designee that any part of these regulations have been violated and that a quarantine is necessary. The facility shall also be placed under quarantine whenever the State Veterinarian or his authorized designee determines that any horses in the facility are sick or are suspected of being exposed to an infectious or contagious disease.

B. When a quarantine is issued, no further transactions will be permitted at the facility until the regulation violation has been corrected or in the case of sick horses, any necessary isolation has taken place and all other horses have been removed from the facility in a manner acceptable to the State Veterinarian or his authorized designee.

**HISTORY:** Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.

### **27-4006. Penalties.**

Any person who shall violate any provision in these regulations shall be guilty of a misdemeanor and, upon conviction, must be fined in an amount not to exceed one thousand dollars or imprisoned not to exceed six months.

**HISTORY:** Added by State Register Volume 15, Issue No. 6, eff June 28, 1991.

## **ARTICLE 21**

### **EQUINE SLAUGHTER ONLY ASSEMBLY POINT FACILITY**

### **27-5000. Definitions.**

#### A. Definition

Equine Slaughter Only Assembly Point -This facility shall be deemed to be one operated by a person or persons, firm or corporation, that shall on a continuing daily basis or on several days of each week, purchase equine from the general public, for immediate slaughter and such equine to be moved to a slaughter establishment within fifteen (15) days of purchase. Equine purchased by this facility or its representative may not be diverted for any purpose other than immediate slaughter.

In order to be licensed under this Regulation, the facility must have a current written agreement with an official government approved equine slaughter establishment. A copy of said agreement must be provided to the Clemson University Livestock-Poultry Health Division prior to licensure.

#### B. Geographic Requirements

Owners/operators must comply with the quarantine requirements as established in 47-13-1350 at all times. If the facility operator does not possess sufficient property to establish the required separation distance utilizing his own property, such separation distance may be achieved by lease, easement or other interest in contiguous and adjacent real property. It is the responsibility of the facility operator to ensure that no equine at the facility comes any closer than the mandatory minimum 200 yards distance to any other equine legally on contiguous or adjacent public or private property.

#### C. Security

Adequate barns and pens must be of sufficient capacity and strength of enclosure to properly accommodate the anticipated number of animals that will be contained on the premise. There will also be required a perimeter fence at least two hundred yards from the holding facilities with gates locked when no facility personnel are present.

#### D. Humane Housing and Care of Animals

Animals must be housed in a facility that meets generally accepted standards for humane care, including adequate protection from adverse weather conditions and under a roofed facility and adequate provision for food and water.

The facility must provide a method of restraining animals for such procedures as identification, testing and treatment and in a manner that protects as much as possible against injury to animals and people.

#### E. Cleaning and Disinfection

All areas of the holding facilities shall have proper drainage and shall be cleaned and disinfected as the State Veterinarian or his authorized agent may prescribe.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5001. Permits.**

#### A. Permits

On or after July 1, 1993, any person, persons, firm or corporation wishing to operate an Equine Slaughter Assembly Point shall make written application to the State Veterinarian on the forms furnished by the office of the State Veterinarian and shall show the full name and address of all persons having a financial interest in the facility, the name of the office manager and person in charge, the name under which the facility will operate and its exact location, and a copy of the agreement with the slaughter establishment.

#### B. Inspection

Upon filing of the application on the forms provided, an authorized agent of the State Veterinarian shall make an inspection of the premises of the applicant and if the proposed facility can comply with the provisions of these regulations, the State Veterinarian shall issue the permit. This permit may be revoked by the State Veterinarian for any violation of the provisions of these regulations.

#### C. Duration of Permits

All permits issued under the provisions of these regulations shall be effective until revoked by the State Veterinarian. Periodically, personnel of the Livestock-Poultry Health Division will inspect the facility for compliance.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**



## **27-5002. Testing.**

Equine animals moving from S. C. premises to the Equine Slaughter Assembly Point may enter without a test.

Equine animals from other states may enter the facility without testing provided they enter the state with identification acceptable to the State Veterinarian (minimal standard, a USDA Backtag) and are accompanied by a USDA Form 1-27 indicating they are moving to slaughter.

### Known EIA Positive Animals from S. C. Premises of Origin

EIA positives or exposed animals may enter the facility provided they are identified in an acceptable manner, (branded by a state or federal animal health employee) and move on a USDA Form 1-27 with prior approval of the State Veterinarian's Office. At the facility they will be penned in separate pens so marked.

### Interstate Movement of Known EIA Positive Animals To The Facility

Known EIA positive equine animals from other states may not enter this facility.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5003. Records Required.**

1. Date of Purchase
2. Name and Address of Seller
3. Identification
4. Disposition
  - When
  - Where
  - Proof of slaughter
5. Available to LPHD personnel and accessible at reasonable hours and of a type that ensures accountability.
6. Records shall be maintained by facility for at least two (2) years.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5004. Movement of Animals From Facility.**

Any Equine after entering facility can only leave for shipment directly to slaughter and within a maximum of 15 days.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5005. Bonding.**

This facility must meet the bonding requirements as set forth by the USDA Packers and Stockyards Administration.

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5006. Penalties.**

Any person who shall violate any provisions set forth in these regulations shall be subject to the punishment in accordance with Section 47-13-1400 which states, "that any person violating the provisions of this article is guilty of a misdemeanor and upon conviction must be fined in an amount not to exceed one thousand dollars or imprisoned not to exceed six months."

**HISTORY: Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.**

## **27-5007. Sign At Entry Point (Required Sign At Entry Gate).**

An easily readable sign: at least 4 feet high by 8 feet wide must be prominently displayed at the entrance to the facility. At the top of the sign in large, easily readable letters, the following wording must be listed, "Official Equine Quarantine Facility". To be followed by, "This is an Equine Slaughter

Only Assembly Point Facility. All animals are considered EIA Positive or Exposed. By penalty of law, no animal may move from this facility except directly to slaughter”.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

### **27-5008. Restrictions.**

No facility licensed for and used as an Equine Auction Market may be licensed for use as an Equine Slaughter Assembly Point Facility.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

### **27-5009. Identification.**

All animals not otherwise identified must be identified when unloaded at the facility by a method acceptable to the State Veterinarian (at the minimum, a USDA Backtag).

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

### **27-5010. Suspension of Operation Order.**

It is the responsibility of the operator of the facility to maintain adequate health care for all animals and to care for them in a humane fashion.

Failure to provide adequate care for animals at all times will result in temporary or permanent suspension of licensure by the State Veterinarian.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

### **27-5011. Disestablishment.**

Once disestablished as an equine slaughter facility, the premises may not be used to house EIA negative equine, for a period of ninety (90) days after the departure of the last positive/exposed equine.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

## **ARTICLE 22**

### **QUARANTINE OF PHYTOPHAGOUS SNAILS**

(Statutory Authority: 1976 Code §§ 46-9-10 et seq., 46-33-10 et seq.)

### **27-5020. Quarantine of Phytophagous Snails.**

#### **A. Definitions**

(1) Commission. The State Crop Pest Commission;

(2) Director. The Director, Regulatory and Public Service Programs, Clemson University;

(3) Compliance agreement. A written agreement between a person dealing in or moving regulated articles and the Director, wherein the former agrees to comply with conditions specified in the agreement to prevent the establishment or dissemination of phytophagous snails;

(4) Infestation. A property on which phytophagous snails have been found, or a property onto which regulated material has been moved for any purpose from an infested property, and regulated or host material which has been exposed to, come in physical contact with or being stored where the pest has been found. Such properties shall be considered infested until the Director is of the opinion that phytophagous snails do not exist on said property;

(5) Inspector. Any authorized employee or agent of the State Crop Pest Commission or any other person authorized by the Director to enforce the provisions of this quarantine and regulations supplemental thereto;

(6) Pest and/or phytophagous Snails. The following snails in any stage of development:

(a) Brown garden snail (*Helix aspersa* Muller);

(b) Giant South American snail (*Megalobulimus oblongus* Muller);

- (c) White garden snail (*Theba pisana* Muller);
- (d) Giant African snail (*Achatina* spp.);
- (e) Any other plant-feeding snail which the Director determines to be a plant pest;
- (7) Person. Any individual, corporation, association, firm or partnership.

(8) Plant material. All wild, cultivated, or greenhouse grown plants, trees, shrubs, vines, bulbous plants and roots, grafts, scions, and buds. Included are annual plants, cut flowers, and decorative plants without roots;

(9) Quarantined or regulated area. Any portion of a state in which phytophagous snails are found, or has been placed under quarantine on account of same;

(10) Regulated articles. Nursery stock, other plant material, and articles capable of transporting phytophagous snails, including used containers and trash, and all phytophagous snails.

#### B. Regulated Areas

Movement of nursery stock, other plant material and articles capable of transporting phytophagous snails into South Carolina from the following areas is regulated:

(1) All infested areas in the states of Arizona, California, Florida, Hawaii, Minnesota, New Mexico, Oregon, Texas, and Washington.

(2) Any other areas hereafter found to be infested with phytophagous snails.

#### C. Heliculture Prohibited

Raising, maintaining and/or holding phytophagous snails is prohibited.

#### D. Movement Prohibited

Movement of phytophagous snails in any stage of development is prohibited except for scientific purposes when moved under provisions of federal or state regulations.

#### E. Disposition

Regulated articles from quarantined areas that are infested with phytophagous snails or have been exposed to infestation by the pest may be ordered destroyed, fumigated or otherwise treated by the Director in accordance with § 46-9-60, at the expense of the owner. The Director or his agent may allow regulated articles to move in sealed vehicles to designated safe markets under limited permit.

#### F. Conditions Governing Movement of Regulated Articles

Regulated articles shall not be moved into, within, or from South Carolina nor shall they be processed, planted or propagated except under conditions stipulated by the Director or his agent. Such conditions shall be consistent with the quarantine requirements of the exterior agency and shall be designed to prevent establishment or dissemination of phytophagous snails in South Carolina. Regulated articles shall be accompanied by valid certificates or inspection tags issued by the state of origin when such certificates are required under the quarantine or regulations of such agency.

#### G. Waiver of Requirements

When it has been determined by the Director or his agent that certifications or treatments are no longer necessary or desirable under the specified conditions of these regulations, he may waive the certification and/or treatment requirements on specified articles, products and items.

#### H. Compliance Agreement

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and dissemination of phytophagous snails and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

#### I. Violations

Violations of this regulation will be punished in accordance with § 46-9-90.

**HISTORY: Added by State Register Volume 19, Issue No. 1, eff January 27, 1995.**