

N.C. Marine Fisheries Commission Rules Effective April 1, 2022
Form 0300 Notice of Text (Attachment)
7. Explain Reason for Proposed Rule(s):

15A NCAC 03I .0108 OCEAN FISHING PIERS
15A NCAC 03I .0115 REPLACEMENT COSTS OF MARINE AND ESTUARINE RESOURCES - FISH
15A NCAC 03I .0122 USER CONFLICT RESOLUTION
15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS
15A NCAC 03J .0104 TRAWL NETS
15A NCAC 03J .0106 CHANNEL NETS
15A NCAC 03J .0111 FYKE OR HOOP NETS
15A NCAC 03J .0202 ATLANTIC OCEAN
15A NCAC 03J .0208 NEW RIVER
15A NCAC 03J .0401 FISHING GEAR
15A NCAC 03J .0402 FISHING GEAR RESTRICTIONS

In accordance with G.S. 150B-21.3A, these general rules and gear rules are proposed for readoption with no changes.

15A NCAC 03L .0207 HORSESHOE CRABS
15A NCAC 03L .0301 AMERICAN LOBSTER (NORTHERN LOBSTER)
15A NCAC 03L .0301 SPINY LOBSTER
15A NCAC 03M .0301 SPANISH AND KING MACKEREL
15A NCAC 03M .0302 PURSE GILL NET PROHIBITED
15A NCAC 03M .0511 BLUEFISH
15A NCAC 03M .0516 COBIA
15A NCAC 03M .0519 SHAD

In accordance with G.S. 150B-21.3A, these rules are proposed for readoption and repeal through readoption. The management and harvest restrictions of North Carolina's interjurisdictional fishery species are implemented through a state fishery management plan and Marine Fisheries Commission rules that coordinate with relevant interstate and federal regulatory bodies. Over time, regulation of these species in North Carolina has shifted towards ongoing proclamations and rule suspensions by the Fisheries Director in order to keep pace with shifting interstate and federal regulations. The proposed amendments and repeals through readoption seek to formalize proclamation authority of several interjurisdictional species in rule and remove existing harvest requirements that are likely to become out of date. The proposed changes would conform with existing management practices by the Division of Marine Fisheries and would increase the division's efficiency in managing these species.

15A NCAC 03L .0210 REPACKING OF FOREIGN CRAB MEAT PROHIBITED
15A NCAC 18A .0136 APPLICABILITY OF RULES
15A NCAC 18A .0173 REPACKING

In accordance with G.S. 150B-21.3A and following recent developments in North Carolina where foreign crab meat was fraudulently marketed and sold as domestic blue crab, the Marine Fisheries Commission developed rules to prohibit the repacking of foreign crab meat in the state to prevent future fraud and improve consumer confidence moving forward. One rule is proposed for adoption (15A NCAC 03L .0210) that prohibits the repacking of foreign crab meat in North Carolina into another container. This does not affect value-added crab products, such as crab cakes. Two existing rules for readoption (15A NCAC 18A .0136, .0173) are proposed with changes to conform to the new repacking rule.

15A NCAC 18A .0134 DEFINITIONS
15A NCAC 18A .0137 GENERAL REQUIREMENTS FOR OPERATION
15A NCAC 18A .0138 SUPERVISION
15A NCAC 18A .0139 FACILITY FLOODING
15A NCAC 18A .0144 INSECT CONTROL
15A NCAC 18A .0145 RODENT AND ANIMAL CONTROL
15A NCAC 18A .0147 WATER SUPPLY
15A NCAC 18A .0148 ICE

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| 15A NCAC 18A .0149 | PLUMBING |
| 15A NCAC 18A .0151 | TOILETS |
| 15A NCAC 18A .0152 | SOLID WASTE |
| 15A NCAC 18A .0153 | PERSONAL HYGIENE |
| 15A NCAC 18A .0156 | EQUIPMENT AND UTENSIL CONSTRUCTION |
| 15A NCAC 18A .0157 | FACILITY AND EQUIPMENT SANITATION |
| 15A NCAC 18A .0158 | EQUIPMENT STORAGE |
| 15A NCAC 18A .0161 | CRUSTACEA COOKING |
| 15A NCAC 18A .0162 | COOKED CRUSTACEA AIR-COOL |
| 15A NCAC 18A .0164 | COOKED CRUSTACEA PICKING |
| 15A NCAC 18A .0165 | PACKING |
| 15A NCAC 18A .0166 | PICKED CRUSTACEA MEAT REFRIGERATION |
| 15A NCAC 18A .0168 | SINGLE-SERVICE CONTAINERS |
| 15A NCAC 18A .0174 | PASTEURIZATION PROCESS CONTROLS-THERMOMETERS |
| 15A NCAC 18A .0175 | PREPARATION OF CRUSTACEA MEAT FOR PASTEURIZATION |
| 15A NCAC 18A .0176 | PASTEURIZATION OF CRUSTACEA MEAT |
| 15A NCAC 18A .0177 | LABELING OF PASTEURIZED CRUSTACEA MEAT |
| 15A NCAC 18A .0178 | INTERFACILITY PASTEURIZATION PROCEDURES |
| 15A NCAC 18A .0181 | EMBARGO OR DISPOSAL OF COOKED CRUSTACEA OR CRUSTACEA MEAT |
| 15A NCAC 18A .0182 | BACTERIOLOGICAL AND CONTAMINATION STANDARDS |
| 15A NCAC 18A .0183 | ALTERNATIVE LABELING |
| 15A NCAC 18A .0184 | THERMAL PROCESSING CONTROLS-THERMOMETERS |
| 15A NCAC 18A .0185 | THERMAL PROCESSING OF CRUSTACEA AND CRUSTACEA MEAT |
| 15A NCAC 18A .0186 | LABELING OF THERMALLY PROCESSED CRUSTACEA OR CRUSTACEA MEAT |
| 15A NCAC 18A .0187 | INTERFACILITY THERMAL PROCESSING PROCEDURES |
| 15A NCAC 18A .0191 | MONITORING RECORDS |

In accordance with G.S. 150B-21.3A, these rules that relate to standards for commercial crustacea meat sanitation and processing procedures are proposed for reoption. All proposed changes are either intended to provide heightened clarity to rule language, or to conform rule language around crustacea meat storage, processing, and facility maintenance to that of ongoing practice by Division of Marine Fisheries staff and licensed seafood processors and dealers. The proposed reoptions also contain amendments that are of an administrative nature to update the rules. In all, the rules are proposed for reoption with no changes to division procedures.