

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published October 22, 2010

Volume 34 Issue No. 10

This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2010 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4126			South Carolina Pesticide Control	5/11/11	Clemson University-State Crop Pest Comm.

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4126	South Carolina Pesticide Control		

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication October 22, 2010, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Renovation and expansion of the existing facility at 1849 Savage Road to accommodate the addition of two (2) operating rooms (ORs) and conversion of one (1) endoscopy room to one (1) operating room for a total of four (4) operating rooms; outpatient clinical care and other functions will be relocated to a Medical Office Building (MOB) to be constructed at Lot #5 on Henry Tecklenberg Drive; replacement of the existing CT scanner when it is relocated to the new MOB

The Surgery Center of Charleston
Charleston, South Carolina
Project Cost: \$4,543,956

Purchase and installation of a fixed PET/CT scanner to be located in the Trident Medical Arts Building

Trident Medical Center
Charleston, South Carolina
Project Cost: \$2,187,659

Affecting Colleton County

Addition of four (4) psychiatric beds for a total of one hundred thirty-one (131) general acute care beds and four (4) psychiatric beds

Walterboro Community Hospital, Inc. d/b/a Colleton Medical Center
Walterboro, South Carolina
Project Cost: \$8,000

Affecting Florence County

Renovation of existing space for the addition of a dedicated electrophysiology lab

Carolinas Hospital System
Florence, South Carolina
Project Cost: \$4,241,050

Affecting Georgetown County

Construction of a free standing facility on the campus of Waccamaw Community Hospital to accommodate the relocation of existing radiation therapy services currently located at Francis B. Ford Cancer Treatment Center at Georgetown Memorial Hospital; purchase of a replacement linear accelerator and CT simulator; upon completion, services will be shifted from Georgetown Memorial Hospital to the new center

Francis B. Ford Cancer Treatment Center at Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$10,370,321

4 NOTICES

Affecting Horry County

Addition of thirty-five (35) community nursing home beds, which will not participate in the Medicaid (Title XIX) Program for a total of sixty-seven (67) community nursing home beds
Brightwater Skilled Nursing Center
Myrtle Beach, South Carolina
Project Cost: \$3,700,000

Affecting Lexington County

Renovation of existing space for the replacement of an open 0.7T Magnetic Resonance Imaging (MRI) unit with a fixed 1.5T MRI unit to be located in the Radiology Department
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$1,748,250

Affecting Newberry County

Construction of a new Emergency Department to adjoin the existing hospital structure; the existing Emergency Department will not be operational upon completion of the new Emergency Department
Newberry County Memorial Hospital
Newberry, South Carolina
Project Cost: \$6,879,182

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from October 22, 2010. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Charleston County

Renovation and conversion of two (2) existing procedure rooms to two (2) operating rooms for a total of six (6) operating rooms
Trident Surgery Center
Charleston, South Carolina
Project Cost: \$240,988

Affecting Florence County

Renovation to an existing operating room (OR) for conversion to a Hybrid Vascular operating room to perform endovascular procedures
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$3,854,230

Affecting Richland County

Construction of a freestanding ambulatory surgery facility (ASF) with two (2) licensed endoscopy rooms restricted to gastroenterology procedures only
Palmetto Endoscopy Suite, LLC
Columbia, South Carolina
Project Cost: \$986,735

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than November 22, 2010 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Spectrum Nationwide Environmental, Inc.
Attn: Stephen M. Hamilton
PO Box 7351
Charlotte, NC 28241

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

401 Water Quality Certification Resource Reductions

State budget cuts have impacted the level of services the Department of Health and Environmental Control (Department) can provide and have resulted in the need for the Department to re-evaluate its workloads and priorities. The 401 Water Quality Certification program has been identified as an area where resource reductions are necessary.

In accordance with S.C. Regulation 61-101, Water Quality Certification, the Department can issue, deny, or waive certification for Federal licenses or permits. If the Department fails to act on a certification within a reasonable period of time, not to exceed one year, the certification requirements are waived.

In light of recent budget cuts, the Department has determined that it can no longer certify all Federal licenses and permits for which it receives applications. Thus, the Department has identified categories of projects for which the 401 Water Quality Certification will be waived as follows:

- **Nationwide Permits as issued by the US Army Corps of Engineers (Corps)**
Every five years, the Corps issues nationwide permits (NWP) for categories of activities that have been determined to have minimal individual and cumulative adverse effects on the aquatic environment. In a Federal Register notice published on March 12, 2007, the Corps reissued the NWP, and on May 11, 2007, the Department issued both a 401 Water Quality Certification and a Coastal Zone Consistency Certification in accordance with the S.C. Coastal Zone Management Program. At the time of the May 11, 2007 certification, the Department placed conditions on a number of the NWP that would necessitate an individual permit review for those projects. In light of the need to reduce staff resources, the Department will no longer issue individual certifications for these permits. By waiving these 401 certifications, the state will rely on the initial Corps determination of minimal impacts.
- **Groins and Beach Renourishment Projects**
Groins and beach renourishment activities have very few water quality impacts. As a general rule, the concerns and comments that the Department receives during a 401 Water Quality Certification review for these activities are directed towards the issue of threatened or endangered species. These activities will still require comments from the US Fish and Wildlife Service and/or the National Marine Fisheries Service which have jurisdiction over threatened and endangered species before the Corps can issue their 404 permit. Therefore, the Department has a reasonable assurance that these concerns will be addressed. Further, the Department's OCRM office will still continue to issue direct permits for alteration of the critical area for these activities that also provide a means to address the threatened or endangered species concerns.

These waivers apply only to the 401 Water Quality Certification. Any Coastal Zone Consistency Certifications and the Critical Area Permits issued by the Department's OCRM office are not affected by this action. In light of continuing budget reductions, the Department will periodically evaluate our project workloads to determine if other changes are necessary.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to repeal Regulation 61-90, Minimum Standards for Licensing Chiropractic Facilities. Interested persons may submit written comments to Nancy Maertens, Director, Division of Health Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., November 22, 2010, the close of the drafting period.

Synopsis:

Regulation 61-90 was promulgated in 1984. Only a single facility was licensed under the regulation at any time. The facility's last license expired July 31, 2000. That facility subsequently closed. No other application to license an inpatient chiropractic facility has been received since that date. South Carolina Act No. 278, Section 14, effective July 1, 2010, deleted Chiropractic Inpatient Facilities from the list of facilities the Department is authorized to license pursuant to S.C. Code Ann. Section 44-7-260(A). In the interest of good government and efficiency, the Department proposes to repeal Regulation 61-90.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-60-05 et seq. (2010 Act 178)

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft a new regulation that addresses standards for the sale, recovery and disposal of certain types of electronic equipment. Interested persons may submit their views by writing to Kent Coleman at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on November 22, 2010, the close of the drafting comment period.

Synopsis:

During the 2010 legislative session, the General Assembly enacted Act 178, known as the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, codified at S.C. Code Ann Section 48-60-05 et seq..

As required by the Act, the Department is proposing to promulgate a new regulation that will address and implement the applicable provisions of the Act. The regulation will include, but not be limited to: responsibilities of manufacturers and retailers of covered electronic devices as defined by the Act; standards for the collection and use of fees as provided for in the Act; standards for the safe, environmentally responsible recovery, recycling or disposal of discarded devices; reporting requirements; and liability issues for information stored on discarded devices. The regulation will also establish fines for violations of the Act and the regulation. The proposed regulation will become effective not earlier than July 1, 2011.

Legislative review will be required.

8 DRAFTING NOTICES

DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES

CHAPTER 130

Statutory Authority: 1976 Code Sections 24-21-10 et seq. and 2010 Act 273

Notice of Drafting:

The South Carolina Department of Probation, Parole and Pardon Services (“the Department”) seeks to promulgate the regulations which govern, to the extent authorized by S. C. Code, Title 24, Chapter 21 and 2010 Act 273, the minimum number of hours of training required for the members of the Board of Probation, Parole and Pardon Services and the specific requirements of the training that the members must complete; the terms and conditions of reentry supervision; the qualifications of the Department’s administrative hearing officers and the procedures for the preliminary hearings conducted by the Department; and the establishment and listing of the administrative sanctions for the most common types of supervision violations.

Interested parties should submit written comments to Teresa Knox, Chief Legal Counsel, South Carolina Department of Probation, Parole and Pardon Services, P.O. Box 50666, Columbia, SC 29250. To be considered, comments should be received no later than 5:00 p.m. on November 5, 2010, the close of the drafting comment period.

Synopsis:

South Carolina Act No. 273 of 2010 amended S.C. Code Ann. Section 24-21-10 et seq. As required by the Act, the Department is proposing to promulgate regulations in accordance with applicable provisions of the Act. The regulations will govern the following:

- the minimum number of hours of training required for the members of the Board of Probation, Parole and Pardon Services and the specific requirements of the training that the members must complete;
- the terms and conditions of reentry supervision;
- the qualifications of the Department’s administrative hearing officers and the procedures for the preliminary hearings conducted by the Department; and,
- the establishment and listing of the administrative sanctions for the most common types of supervision violations.

Legislative review of this proposal will be required.

Document No. 4154
DEPARTMENT OF AGRICULTURE
CHAPTER 5
Statutory Authority: 1976 Code Section 39-25-180

Article 6, 5-270 through 5-373. Food and Cosmetics

Preamble:

The Department of Agriculture proposes these amendments to clarify and to provide a more efficient process for regulating and ensuring properly labeled and inspected food products manufactured in South Carolina, as authorized by S.C. Code of Laws, Title 39, Chapter 25. The proposed regulations will be amended to properly reflect adoption of certain Federal regulations. Additionally, the Department seeks to clarify the regulation of raw honey products.

Notice of Drafting for the proposed amendments was published in the *State Register* on June 25, 2010.

Section-by-Section Discussion

5-273. Facility Registration Certificate – This provision is being added to ensure that all current and new locations subject to regulation under the SC Food and Cosmetic Act are properly registered with the Department. This registration will result in a certificate being made available to each registered location so that it may be properly identified. Certificate is to be posted in a conspicuous place. Revocation of this certificate is revocable for any violation of the SC Food and Cosmetic Act or these regulations.

5-274. Honey – this provision is being added to clarify when honey and honey products are subject to these regulations. Honey used as an ingredient for any prepared, processed or manufactured food product, is subject to these regulations. This Section does provide an exemption from these regulations for pure honey products being sold by beekeepers who produce less than 150 gallons annually and whom only sell directly to the end consumer.

5-323. Records – this section has been added to clarify that all records of a food processing facility over the past three years shall be made available for inspection.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on November 30, 2010, at 10:00 a.m. at the Wade Hampton Conference Room, 5th Floor Wade Hampton Building, 1200 Senate Street, Columbia, SC 29201. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If no request for a hearing is received by November 29, 2010, the hearing will be canceled.

In addition, written comments may also be submitted. All written comments and requests for a public hearing should be directed to Ms. Beth Crocker, General Counsel, S.C. Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-11280 no later than November 30, 2010.

Preliminary Fiscal Impact Statement:

No additional state funding is requested to implement these proposed regulations.

10 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Food and Cosmetics.

Purpose: To update the food ingredient and labeling standards for food products manufactured in South Carolina. These provisions also apply to food being repackaged and relabeled, as well as food salvage operations.

Legal Authority: The legal authority for Regulations 5-270 through 5-373 is Section 39-25-180, S.C. Code of Laws.

Plan for Implementation: The proposed regulations will take effect upon publication in the *State Register* and may be implemented by providing copies of the regulation upon request.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will provide clarification and efficiency of procedures, standards and terminology used by the Department in carrying out its responsibilities and enforcement of properly labeled and identified food products manufactured within the State.

DETERMINATION OF COSTS AND BENEFITS:

There will be a benefit to all citizens because these regulations will help to clarify and improve food manufacturing standards and practices to ensure high food quality and safety. Regular testing and inspection of facilities will provide consumer protection and greater consumer confidence in food products manufactured and stored here in South Carolina.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations help to clarify and improve the standards used by this Department to ensure consumer protection of food products manufactured, stored and held for distribution in South Carolina. These proposed regulations also help to recognize the need to recognize and monitor the sales of raw honey products in large quantities.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect upon the environment or the public health if these regulations are not implemented.

Statement of Rationale:

These proposed amendments are based upon the recent adoption of Federal regulations through statutory amendment. These regulations will help to clarify the requirements for in-state compliance with federal standards related to food safety and sanitation practices, as well as streamlining the registration process for traceback and accountability of the food manufacturing and food distribution industry in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 4151
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 27, 2010.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 6, 2010 at 9:00 a.m. If no request is received by November 24, 2010, the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Interim Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 24, 2010.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 27-1023, State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

12 PROPOSED REGULATIONS

Plan for Implementation: The state meat inspection program has been in existence for many years. Implementation of these proposed regulations will clarify and update the existing regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 4150

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30 and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 27, 2010.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 6, 2010 at 9:00 a.m. If no request is received by November 24, 2010, the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Interim Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 24, 2010.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 27-1022, State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30 and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years. Implementation of these proposed regulations will clarify and update the existing regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

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Statement of Rationale:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 4153
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-75-485

69-76. SC Safe Home Program Wind Inspectors and Contractors

Preamble:

The South Carolina Department of Insurance proposes to promulgate a regulation that will set forth standards to facilitate the operation of the SC Safe Home program. The regulation will set forth policies and procedures that wind inspectors and contractors participating in the SC Safe Home Program must meet. The procedures and guidelines will allow the program to operate in an effective and equitable manner in implementing the standards and measures set forth in the Omnibus Coastal Property Insurance Reform Act of 2007.

Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on December 25, 2009.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69-76, Section I	Purpose and Scope	This section sets forth the purpose of the regulation. The regulation is designed to clarify the requirements related to wind inspectors and contractors participating in the SC Safe Home Program
69-76, Section II	Wind Inspectors	This section provides the process for obtaining certification as a SC Safe Home Program inspector.
69-76, Section III	Contractors	This section provides the process for obtaining certification as a SC Safe Home Program contractor.

69-76, Section IV	Citizenship requirements for wind inspectors and contractors	This section provides that wind inspectors and contractors must be a citizen of the United States or provide documentation that the applicant is a properly registered alien residing in the United States.
69-76, Section V	Absence of Criminal record	This section provides that wind inspectors and contractors participating in the program must furnish a criminal history background report from the SC State Law Enforcement Division (SLED).
69-76, Section VI	Requirements relating to probation, withdrawal or suspension of a certification, refusal to issue a certification and reissuance of a certification	This section provides the guidelines that wind inspectors and contractors must follow when participating the SC Safe Home program and provides the penalties for violation of the guidelines.
69-76, Section VII	Effective Date	This section provides the effective date of the regulation

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on December 21, 2010 at 10:00AM in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00PM on November 22, 2010. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: SC Safe Home Program Wind Inspectors and Contractors.

Purpose: The proposed regulation will provide guidance to wind inspectors and contractors participating in the SC Safe Home Program.

Legal Authority: 1976 S.C. Code Ann. Sections 1-23-10 et seq., 38-3-110 and 38-75-485.

Plan for Implementation: The proposed regulation will be implemented by the South Carolina Department of Insurance.

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DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is needed to provide direction to wind inspectors and contractors participating in the SC Safe Home Program.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by ensuring that wind inspectors and contractors adhere to the guidelines for their participation in the SC Safe Home Program.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include clarification of the requirements of wind inspectors and contractors participating in the SC Safe Home Program.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Promulgation of this regulation is necessary to provide guidance and clarification of requirements for participation to wind inspectors and contractors participating in the SC Safe Home Program.

Statement of Rationale:

Regulation 69-76. SC Safe Home Program Wind Inspectors and Contractors is being promulgated to provide guidance to wind inspectors and contractors participating in the SC Safe Home Program of the requirements for participation in the program. The regulation will help safeguard the consumers of South Carolina who are seeking to obtain grants under the program and those who have obtained grants.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 4152
WORKERS' COMPENSATION COMMISSION
CHAPTER 67
Statutory Authority: 1976 Code Section 42-3-30

67-405C(1). Employers and Insurance Carriers, Proof of Compliance

Preamble:

The South Carolina Workers' Compensation Commission proposes to amend its regulation regarding notice of cancellation for nonpayment of premiums. The Notice of Drafting regarding this regulation was published on May 28, 2010 in the *State Register*.

Section-by-Section Discussion

Regulation 67-405C(1) currently requires a thirty day notice prior to termination of a workers' compensation insurance policy. The proposed change provides an exception to the thirty day notice and allows a ten day notice prior to cancellation of a workers' compensation insurance policy specifically for non-payment of premium or deductible.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the South Carolina Workers' Compensation Commission, attention Gary M. Cannon, Executive Director, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on November 24, 2010.

The South Carolina Workers' Compensation Commission has scheduled a public hearing for November 29, 2010 at 10:00 a.m. in Hearing Room A at the South Carolina Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29202.

Preliminary Fiscal Impact Statement:

There will be no costs incurred by the State or its political subdivisions.

Statement of Need and Reasonableness:

Title 38, Chapter 75 (Property, Casualty, and Title Insurance Generally) and Workers' Compensation Commission Regulation 67-405 (Employers and Insurance Carriers Proof of Compliance) govern the notice requirements for cancellation of an insured's workers' compensation policy. Section 38-75-730 governs notice and cancellation of property and casualty insurance policies. The Commission's Regulation 67-405 establishes the notice requirements before termination of a workers' compensation policy. There is a conflict between Section 38-75-30 and Workers' Compensation Commission Regulation 67-405. Section 38-75-730(a)(1) requires for 10 day notice prior to cancellation for a policy for non-payment of premium. Regulation 67-405 allows a thirty day notice for cancellations of a workers' compensation insurance policy and does not differentiate for cancellation for nonpayment of premium. The proposed amendment eliminates a contradiction between statute and regulation.

DESCRIPTION OF REGULATION: R.67-405, Employers and Insurance Carriers, Proof of Compliance.

Purpose: Establishes the requirements for employers to file with the Commission proof of its compliance with the insurance provisions of Workers' Compensation Act.

Legal Authority: S.C. Code Section 42-3-30, Promulgation of rules and regulations by the Commission.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Title 38, Chapter 75 of the SC Code of Laws, 1976 (Property, Casualty, and Title Insurance Generally) and Workers' Compensation Commission Regulation 67-405 (Employers and Insurance Carriers Proof of Compliance) govern the notice requirements for cancellation of an insured's workers' compensation policy. Section 38-75-730 governs notice and cancellation of property and casualty insurance policies, which includes workers' compensation insurance policies. The Workers' Compensation Commission's Regulation 67-405 establishes the notice requirements before termination of a workers' compensation policy. There is a conflict

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between Section 38-75-30 and Workers' Compensation Commission Regulation 67-405. Section 38-75-730(a)(1) requires for ten day notice prior to cancellation for a policy for non-payment of premium. Regulation 67-405 allows a thirty day notice for cancellations of a workers' compensation insurance policy and does not differentiate for cancellation for nonpayment of premium. The proposed amendment eliminates a contradiction between statute and regulation.

DETERMINE OF COSTS AND BENEFITS:

The costs to the agency related to the proposed changes to the Commission's regulations are minimal. The benefit of the proposed changes is the elimination of a contradiction between statute and regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Statement of Rationale:

The Commission is proposing to amend regulation R.67-405 to require 10 days notice for cancellation of a workers' compensation insurance policy for non-payment of premium to be consistent with South Carolina Code of Laws, Section 38-75-730.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.