

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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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 of 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:

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

Executive Orders are actions issued and taken by the Governor.

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 a proposed regulation.

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

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.

2026 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 must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

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

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

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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 and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and 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-ten days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the expiration of the one-hundred-ten-day review period, the regulation is approved on the one-hundred-tenth 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 laws 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 the 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.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5452			Driveways; Erosion Control; and Bus Shelters	05/02/2027	Department of Transportation		

2 EXECUTIVE ORDERS

Executive Order No. 2026-18

WHEREAS, on August 18, 2026, a Grand Jury convened in Chester County returned two Indictments charging John Harris Agee, a member of Chester County Council, with Conspiracy to Commit Obtaining Goods Under False Pretense, value more than \$2,000 but less than \$10,000, and Conspiracy to Commit Obtaining Goods Under False Pretense, value more than \$10,000, both in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, John Harris Agee, as a member of Chester County Council, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictments and the statutory definition and classification of the offenses, the undersigned has determined that one or both of the aforementioned Indictments charge John Harris Agee with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend John Harris Agee from office as a member of Chester County Council until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend John Harris Agee from office as a member of Chester County Council until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of John Harris Agee and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF AUGUST, 2026.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2026-19

WHEREAS, the undersigned possesses the statutory authority to remove any “school district trustee[] who wilfully commit[s] or engage[s] in an act of malfeasance, misfeasance, chronic unexcused absenteeism, conflicts of interest, misconduct in office, or persistent neglect of duty in office.” S.C. Code Ann. § 59-19-60; and

WHEREAS, on January 15, 2026, the undersigned requested the Inspector General to “initiate and conduct an appropriate investigation, review, and analysis of the conduct of one or more members of the Charleston County School District Board of Trustees”; and

WHEREAS, the Inspector General submitted a report entitled *Investigation of the Charleston County School District Board of Trustees for Potential Misconduct, Disclosure of Confidential Information and Adverse Fiscal Impacts* to the undersigned on August 27, 2026; and

WHEREAS, based on the Inspector General’s report, the undersigned finds that it “appear[s] to [his] satisfaction” that Charleston County School Trustee Darlene Dunmeyer-Roberson has “wilfully commit[ted] or engage[d] in an act of malfeasance, misfeasance, chronic unexcused absenteeism, conflicts of interest, misconduct in office, or persistent neglect of duty in office.” S.C. Code Ann. § 59-19-60; and

WHEREAS, section 59-19-60 of the South Carolina Code of Laws, as amended, requires that the undersigned “inform [a trustee] in writing of the specific charges brought against [the trustee] and give [the trustee] an opportunity on reasonable notice to be heard.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Notice of Charges

Pursuant to section 59-19-60, Darlene Dunmeyer-Roberson is hereby provided written notice of three charges against her.

A. Charge 1: Disclosure of Executive Session Material

Darlene Dunmeyer-Roberson improperly disclosed information from executive session.

B. Charge 2: Unauthorized Disclosures of Confidential Information

Darlene Dunmeyer-Roberson improperly disclosed confidential information on at least 28 occasions to news media or District vendors.

C. Charge 3: Conflict of Interest

Darlene Dunmeyer-Roberson improperly aided her former campaign manager in a District procurement matter.

Additional information about each charge is found in the Inspector General’s report.

Section 2. Opportunity to Be Heard

In accordance with section 59-19-60, I hereby provide Darlene Dunmeyer-Roberson with reasonable notice and opportunity to be heard on the charges in Section 1. Absent her prior resignation, Darlene

4 EXECUTIVE ORDERS

Dunmeyer-Roberson shall notify the undersigned via email to his Chief of Staff and Chief Legal Counsel whether she intends to avail herself of her right to be heard by September 10, 2026, at 5:00 PM.

A. To provide Darlene Dunmeyer-Roberson with the statutorily required opportunity to be heard, I hereby appoint Thomas A. Limehouse, Jr.; Adair Boroughs; and Clarence Davis to serve as a Hearing Panel to consider Darlene Dunmeyer-Roberson's response to the charges and consider the evidence in this matter. The Hearing Panel shall not constitute an office under state law and serves in an advisory capacity only. Darlene Dunmeyer-Roberson may be represented by legal counsel at any or all stages of these proceedings.

B. By September 14, 2026, Darlene Dunmeyer-Roberson shall submit in writing to the Hearing Panel any response to the charges against her. This submission shall be via email to addresses provided by the hearing officers.

C. By September 28, 2026, the Hearing Panel shall hold a hearing, at which Darlene Dunmeyer-Roberson may present oral argument and respond to questions from the Hearing Panel. The Hearing Panel may also request the Inspector General attend to answer any question that the Hearing Panel may have. Such hearing shall be held at a time and location determined by the Hearing Panel.

D. By October 5, 2026, the Hearing Panel shall submit a written report to the undersigned recommending whether the undersigned exercise his authority to remove Darlene Dunmeyer-Roberson from the Charleston County School District Board of Trustees. That report shall be submitted via email to the undersigned's Chief of Staff and Chief Legal Counsel. Upon submission of this report, the Hearing Panel shall be dissolved, its purpose having been fulfilled.

E. Failure by Darlene Dunmeyer-Roberson to participate timely in any part of the process established by this Order shall be deemed a waiver of her right to be heard and may result in her immediate removal from the Charleston County School District Board of Trustees.

F. The Inspector General shall provide unredacted copies of any evidence that the Hearing Panel requests.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this

Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1ST DAY OF SEPTEMBER, 2026.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2026-20

WHEREAS, the undersigned has been notified of the passing of Officer Christopher Michael DeLong, Jr., of the Columbia Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Officer DeLong dedicated his life to protecting and serving the people of the State of South Carolina, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, Section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, September 4, 2026, in tribute to Officer Christopher Michael DeLong, Jr., and in honor of his distinguished service and supreme sacrifice. I request that the flags over state buildings and buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF SEPTEMBER, 2026.**

**HENRY DARGAN MCMASTER
Governor**

6 NOTICES

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

SCDES-Bureau of Land and Waste Management
Former Spartanburg Race Shop Site

NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Environmental Services (SCDES) intends to enter into a Voluntary Cleanup Contract (VCC) with Duke Energy Carolinas, LLC (Duke Energy). The VCC provides that Duke Energy, with SCDES's oversight, will fund and perform future response actions at the Former Spartanburg Race Shop facility located in Spartanburg County at 400 North Fairview Avenue, Spartanburg, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, Duke Energy funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, Duke Energy shall reimburse SCDES's future costs of overseeing the work performed by Duke Energy and other SCDES response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <https://apps.des.sc.gov/PublicNotices/>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or elisa.vincent@des.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than October 26, 2026, and addressed to: Elisa Vincent, SCDES-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, Duke Energy will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, Duke Energy shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, Duke Energy may seek contribution from any person who is not a party to this administrative settlement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **September 25, 2026**, 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 Certificate of Need Program, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Anderson, Cherokee, Oconee, and Pickens Counties**FutureSmith Inc. d/b/a BrightStar Care of Spartanburg, Greenville and Easley-Piedmont**

The establishment of a Home Health Agency in Anderson, Cherokee, Oconee, and Pickens Counties at a total project cost of \$1,000.00.

Affecting Greenville, Laurens, Pickens, and Spartanburg Counties**Stay at Home of the Upstate Inc. d/b/a Stay at Home Nursing Services**

The establishment of a Home Health Agency in Greenville, Laurens, Pickens, and Spartanburg Counties at a total project cost of \$13,500.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, 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 no earlier than 30 days, but no later than 90 days, from **September 25, 2026**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting Aiken, Bamberg, Beaufort, Calhoun, Cherokee, Clarendon, Colleton, Darlington, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lancaster, Lee, Marion, Oconee, Sumter, and Williamsburg Counties**KidsCare Home Health of South Carolina, LLC**

The expansion of pediatric home health agency to serve the counties of Aiken, Bamberg, Beaufort, Calhoun, Cherokee, Clarendon, Colleton, Darlington, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lancaster, Lee, Marion, Oconee, Sumter, and Williamsburg at a total project cost of \$15,575.00. (Limited to Pediatric Patients)

8 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA STATE BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-60

Notice of Drafting:

The South Carolina Board of Funeral Service proposes to amend R.57-09 regarding renewal and reactivation of expired licenses. Interested persons may submit comments to Matalie Mickens, Board Executive, Board of Funeral Service, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Funeral Service proposes to amend R.57-09 regarding renewal and reactivation of a license.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes revisions to Chapter 71, Subarticle 6, to replace the federal version of 1910.156 which was previously adopted and incorporated by reference into this Subarticle. Interested persons may submit comments to Kristina Baker, Deputy Director, SC OSHA, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to replace the federal version of 1910.156. This proposed regulation is intended to provide a more appropriate and feasible standard regulating the operations at emergency scenes and also addressing administration, training and prevention leading up to and/or after an emergency situation. Specifically, the proposed revision will more intentionally address the needs of the following: fire service, emergency medical, special operation units, law enforcement and workplace emergency response teams.

Legislative review of this amendment is required.

DEPARTMENT OF PUBLIC SAFETY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-6-20 and 23-6-30

Notice of Drafting:

The South Carolina Department of Public Safety proposes to amend existing Regulation 38-600, Article 7, Highway Patrol, Subarticle 1, Regulation of Wrecker Services.

Interested persons may submit their comments in writing to Michael Thompson, Director of Executive Affairs, SC Department of Public Safety, 10311 Wilson Boulevard, Blythewood, SC 29016.

Synopsis:

The proposed amendments will update the current regulations as they relate to the wrecker services utilized by the SC Department of Public Safety.

These proposed regulations will require legislative action.

10 PROPOSED REGULATIONS

Document No. 5473

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40 et seq., 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2026 Act No. 146, effective May 15, 2026

61-47. Shellfish.
61-50. Natural Public Swimming Areas.
61-63. Radioactive Materials (Title A).
61-107.20. Solar Energy Systems.
61-117. Access to Restricted Information.

Preamble:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act 60), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to Act 60, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of Act 60, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC, including the power and duty to promulgate associated regulations.

On May 15, 2026, Governor McMaster signed 2026 S.C. Act 146 (Act 146). Act 146 entails statutory cleanup associated with the restructuring of DHEC to SCDES and the South Carolina Department of Public Health (DPH). Act 146 amended statutory provisions previously associated with DHEC to reflect authorities provided for in the restructuring. Pursuant to S.C. Code Ann. Section 48-6-60(A) and Section 231(B) of Act 146, SCDES is vested with all the functions, powers, and duties, including the power and duty to promulgate associated regulations, for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans, as well as the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to Act 60 and Act 146, to revise related references, and to make non-substantive, grammatical changes.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

SCDES had a Notice of Drafting published in the July 24, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-47		
61-47(A)(2)(v)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-47(A)(2)(mm)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-47(A)(2)(kkk)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-47(C)(2)(g)(2)(d)(10)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-47(G)(2)(a)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES

61-47(H)(2)(e)	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-47(H)(2)(f)	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-47(P)(2)	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
R.61-50		
61-50(B)(4)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
R.61-63		
61-63, RHA 2.4.8.3.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
R.61-107.20		
61-107.20(B)(2)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
R.61-117		
61-117(B)(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comments on the proposed amendments to Holly Randolph of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at holly.randolph@des.sc.gov. To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on October 26, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Friday, November 20, 2026, beginning at 1:00 p.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on October 26, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

There is no anticipated cost increase to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60 and 2026 Act No. 146. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-47, Shellfish, R.61-50, Natural Public Swimming Areas, R.61-63, Radioactive Materials (Title A), R.61-107.20, Solar Energy Systems, R.61-117, Access to Restricted Information.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act 60), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to Act 60, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of Act 60, SCDES

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was vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC, including the power and duty to promulgate associated regulations.

On May 15, 2026, Governor McMaster signed 2026 S.C. Act 146 (Act 146). Act 146 entails statutory cleanup associated with the restructuring of DHEC to SCDES and the South Carolina Department of Public Health (DPH). Act 146 amended statutory provisions previously associated with DHEC to reflect authorities provided for in the restructuring. Pursuant to S.C. Code Ann. Section 48-6-60(A) and Section 231(B) of Act 146, SCDES is vested with all the functions, powers, and duties, including the power and duty to promulgate associated regulations, for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans, as well as the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

SCDES proposes amending R.61-47, Shellfish, R.61-50, Natural Public Swimming Areas, R.61-63, Radioactive Materials (Title A), R.61-107.20, Solar Energy Systems, and R.61-117, Access to Restricted Information, to reflect the restructuring of DHEC pursuant to Act 60 and Act 146, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 13-7-40 et seq., 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulations Currently Under Amendment and Recently Finalized webpage (accessible at <https://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

Pursuant to S.C. Code Ann. Sections 48-6-10 et seq. and Section 231(B) of 2026 S.C. Act 146 (Act 146), the South Carolina Department of Environmental Services (SCDES) is vested with all the functions, powers, and duties, including the power and duty to promulgate associated regulations, of the environmental divisions, offices, and programs of the South Carolina Department of Health and Environmental Control (DHEC), including the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans, as well as the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs. Additionally, pursuant to S.C. Code Ann. Sections 13-7-40 et seq., 30-4-45, and Section 5 of 2022 S.C. Act No. 119, SCDES is vested with the authority to promulgate regulations related to the control of ionizing and nonionizing radiation, to regulate access to information in accordance with S.C. Code Ann. Section 30-4-45, and to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres.

SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to Act 60 and Act 146, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated cost increase to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60 and 2026 Act No. 146. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.61-47, R.61-50, R.61-63, R.61-107.20, and R.61-117, will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

SCDES proposes amendments to R.61-47, R.61-50, R.61-63, R.61-107.20, and R.61-117 to reflect the restructuring of DHEC pursuant to 2023 S.C. Act 60 and 2026 S.C. Act 146, to revise related references, and to make non-substantive, grammatical changes. The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These amendments are necessary and reasonable to implement the agency restructuring.

Text:

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

Document No. 5474

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-68. Water Classifications and Standards.

61-69. Classified Waters.

Preamble:

Pursuant to Section 303(c) of the federal Clean Water Act (CWA), South Carolina's water quality standards must be reviewed at least once every three years. Referred to as the triennial review, this required process consists of reviewing and amending, where appropriate, water classifications, designated uses, water quality criteria, site-specific standards, and antidegradation policy. The South Carolina Department of Environmental Services (Department) will review and adopt, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a), Section 304(f), and Section 307(a) of the CWA. In

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reviewing its water classifications and standards, the Department will give consideration to the factors listed in S.C. Code Section 48-1-80.

Accordingly, the Department proposes amending R.61-68, Water Classifications and Standards, to adopt revised water quality standards as deemed appropriate to comply with federal updates and recommendations and based on input received from stakeholders. In addition, the Department proposes amending R.61-69, Classified Waters, to clarify, update, and correct as needed waterbody names, counties, classes, and descriptions. The proposed amendments are intended to improve the overall quality of both regulations.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 27, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation 61-68		
B. Definitions	Addition	Adding definition at B.46. for naturally variable parameters. Renumbering definitions based the addition at B.46.
	Revision	Revising the definition at B.45. for natural conditions.
	Technical Correction	Correcting typographical errors at B.10, B.19, B.23, B.30, B.32, B.34, B.35, B.40, B.45, B.48, B.49, B.58, B.61, and B.62.
C. Applicability of Standards	Revision	Revising C.3. to include existing and classified uses. Revising C.5 and re-organizing C.7 and C.8 to clarify how use designations are applied to unnamed or unlisted waters.
	Technical Correction	Correcting significant digits for dissolved oxygen at C.4.c.(1)(iii.).
D. Antidegradation Rules	Revision	Revising D.1.b. to clarify the existing antidegradation policy related to hydrologic criteria.

Section	Type of Change	Purpose
E. General Rules and Standards Applicable to All Waters	Revision	Revising E.14.a.(3) to clarify how hardness values are used to determine CMC and CCC concentrations for hardness-dependent metals. Revising E.14.c.(12) to adjust the bacteria permitting limitations. Revising E.14.c.(13) to clarify MS4 permit compliance requirements. Revising E.14.d.(2) to remove the existing language and reserve the outline format.
	Addition	Adding E.20. to establish hydrologic criteria.
G. Class Descriptions, Designations, and Specific Standards for Surface Waters	Technical Correction	Correcting significant digits for dissolved oxygen at G.9.e. and G.11.e.
Appendix – Water Quality Criteria Additional Notes	Technical Correction	Correcting a typographical error at 5.
Appendix Attachment 3	Technical Correction	Correcting a typographical error.
Appendix Attachment 4	Revision	Revising to clarify how hardness values are used to determine CMC and CCC concentrations for hardness-dependent metals.
Regulation 61-69		
H. List of Waterbody Names, County(ies), Class, and Descriptions		
Ashley River	Technical Correction	Correcting significant digits for dissolved oxygen.
Ashpole Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Atlantic Intracoastal Waterway	Technical Correction	Correcting significant digits for dissolved oxygen.
Bartons Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Bear Creek	Revision	Correcting waterbody description from Rocky Creek to Rocky River.
Bear Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Big Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Black Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Black River	Technical Correction	Correcting significant digits for dissolved oxygen.
Boggy Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Brown Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Buck Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.

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Section	Type of Change	Purpose
Bull Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Bulls Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Catfish Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Caw Caw Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Chinners Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Clark Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Cowpen Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Cypress Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Douglas Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Duck Island Channel	Technical Correction	Correcting significant digits for dissolved oxygen.
Edisto River	Revision	Clarifying waterbody name.
Four Hole Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Gaffney Creek	Revision	Clarifying waterbody name.
Gramling Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Great Pee Dee River	Technical Correction	Correcting significant digits for dissolved oxygen.
Great Swamp	Addition	Adding Great Swamp in Jasper County.
Green Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Gum Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Hayes Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Indian Field Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Jeffries Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Johnsons Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lake Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lee Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lemon Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Lynches Lake	Technical Correction	Correcting significant digits for dissolved oxygen.

Section	Type of Change	Purpose
Maidendown Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Maple Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Pen Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Muddy Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
New River	Revision	Correcting the classification.
Newman Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pleasant Meadow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pocalla Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Pocotaligo River	Technical Correction	Correcting significant digits for dissolved oxygen.
Polk Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pudding Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pye Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Rocky Bluff Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Saluda River	Technical Correction	Correcting significant digits for dissolved oxygen.
Sanders Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Santee River (North and South)	Deletion	Removing duplicate entry.
Savannah River	Technical Correction	Correcting significant digits for dissolved oxygen.
Schewbough Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Skeebo Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Smith Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Sparrow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Stoops Creek	Revision	Correcting waterbody name.
Summerhouse Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Town Creek	Revision	Clarifying waterbody name and correcting waterbody description.

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Section	Type of Change	Purpose
Turkey Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Unnamed Creek	Deletion	Removing duplicate entry.
Unnamed Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Waccamaw River	Technical Correction	Correcting significant digits for dissolved oxygen.
White Oak Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Willow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Andrew Edwards of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; wqs@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, October 26, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Tuesday, December 1, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, October 26, 2026, the hearing will be cancelled. Should the public hearing be cancelled, the Department will post the notice of cancellation at least one week prior to the scheduled hearing at <https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>.

Should the Administrative Law Court public hearing on Tuesday, December 1, 2026, be cancelled pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the Department will conduct a public hearing in Peebles Auditorium at SCDES Headquarters, 2600 Bull Street, Columbia, SC 29201, on Tuesday, December 1, 2026, at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is received and the Tuesday, December 1, 2026, public hearing at the Administrative Law Court is confirmed, the Tuesday, December 1, 2026, public hearing at SCDES Headquarters will be cancelled.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions should be incurred by these proposed amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-68, Water Classifications and Standards; R.61-69, Classified Waters.

Purpose: Proposed amendments to R.61-68 and R.61-69 will clarify, strengthen, and improve the overall quality of the existing regulations and make appropriate revisions to the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal Clean Water Act.

Legal Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments.

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

Section 303(c)(2)(B) of the federal CWA requires that South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 as deemed necessary to comply with federal regulatory recommendations and revisions and to improve the overall quality of the existing regulation. R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department’s proposed amendments to R.61-69 clarify and correct, as needed, waterbody names, counties, classes, and descriptions and to improve the overall quality of the existing regulation.

DETERMINATION OF COSTS AND BENEFITS:

Existing Department staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested. Overall cost impact to the State’s political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar costs. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. The proposed amendments to R.61-69 seek to correct and clarify portions of the list of classified waters in order to provide citizens with a more accurate representation of the waters of the State.

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

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. If the proposed amendments to R.61-68 are not implemented, then the waters of the State will have less protection for designated and existing uses. Failure by the Department to incorporate appropriate revisions to the list of classified waters in R.61-69 will allow inaccurate or insufficiently clear classifications, descriptions, and site-specific standards for the State’s waters to persist. This list is the only repository of the State’s site-specific water quality standards and is used in determining applicable water quality standards for purposes of National Pollutant Discharge Elimination System (“NPDES”) permit decisions. If not corrected, inaccuracies and unclear provisions in the existing

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regulation may lead to unnecessary contamination of the waters of the State through application of less protective standards in permit decisions, with detrimental effects on the health of flora and fauna, as well as the citizens of South Carolina.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal CWA requires South Carolina's water quality standards to be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 as deemed necessary to comply with federal regulatory recommendations and revisions and to improve the overall quality of the existing regulation. R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions, including descriptions of site-specific standards. As indicated, these amendments will prevent unnecessary contamination of waters of the State and provide greater protection for designated and existing uses.

Text:

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

Document No. 5478
DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026

61-71. Well Standards.

Preamble:

Pursuant to S.C. Code Sections 44-55-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71, Well Standards, to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement. This change will allow flexibility of neat cement composition.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the June 26, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-71		
Section F.2.b(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section G.2.b(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section H.2.a(2)(a)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section H.3.b(2)(a)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section J.2.c(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Joseph Koon of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Joseph.Koon@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, October 26, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Monday, November 23, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, October 26, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

No costs will be incurred by the state and its political subdivisions in complying with this proposed amended regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-71, Well Standards.

Purpose: Pursuant to S.C. Code Sections 44-55-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026, the Department is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71, to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement. This change will allow flexibility of neat cement composition.

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Legal Authority: 1976 Code Sections 44-55-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments.

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

The intent of these amendments is to revise the grout composition description to remove the specific neat cement composition requirements and therefore allowing flexibility of neat cement composition. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-71 are adopted.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments.

There is no anticipated additional cost to stakeholders and members of the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will provide continued protection of the environment and public health.

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

There is no anticipated detrimental effect on the environment and public health if the proposed amendment to the regulation is not implemented. The purpose of the proposed amendment is to allow flexibility of neat cement composition.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The basis for the proposed amendment to the regulation is that classes and types of neat cement, a component of grout, change over time. Amending the regulation to remove the specific neat cement composition of Class A, Type I Portland Cement will allow for flexibility of neat cement composition.

Text:

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

Document No. 5479
STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
 Statutory Authority: 1976 Code Sections 59-149-10 et seq.

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being revised to align in-state residency timelines with state scholarship residency timelines. In addition, the regulation is being updated to clarify procedures and practices already occurring at the institutions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 22, 2026.

Section-by-Section Discussion:

- Section 62-1200.5: B. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- D. “Annual Credit hour requirement” language was added to clarify that academic credit should be placed on the transcript to be considered.
- F. “LIFE GPA” Language is being replaced with “State Scholarship GPA”.
- N. “Eligible Institution” “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- Y. “Independent institutions/private institutions” Definition was revised to clarify participating independent institutions in the program.
- BB. “LIFE GPA” Language is being replaced with “State Scholarship GPA”.
- DD. “Military mobilization” Language added to clarify that Basic Training and Advance Individual Training may be treated the same as military mobilization.
- FF. “Non-degree credit courses” “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- HH. “Private institutions” Repeated definition. Removed for redundancy.
- II. “Independent institution” re-lettered with removal of previous definition.
- JJ. “Public institutions” re-lettered with removal of previous definition.
- KK. “remedial/developmental coursework” re-lettered with removal of previous definition.

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LL. “Satisfactory academic progress” re-lettered with removal of previous definition.

MM. “Second year/sophomore year” re-lettered with removal of previous definition.

NN. “South Carolina resident” Language removed to allow for residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency. Re-lettered with removal of previous definition.

OO. “Third year/junior year” re-lettered with removal of previous definition.

PP. “3 plus 2 programs” re-lettered with removal of previous definition.

QQ. “Transfer student” re-lettered with removal of previous definition.

RR. “Substantially deviates” re-lettered with removal of previous definition.

SS. “Preparatory high school” re-lettered with removal of previous definition.

TT. “Lawful Presence” re-lettered with removal of previous definition.

UU. “Continuously enrolled” re-lettered with removal of previous definition.

VV. An “approved associate’s degree program that requires a minimum of 68 credit hours” re-lettered with removal of previous definition.

Section 62-1200.10: A.(1). Language removed to allow for legal permanent residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.

A.(2). Language removed to allow for S.C. residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.

A.(3)(c). Language added to clarify that official class rank must be sent to CHE.

E. Language removed to clarify that the Early Graduation Process is done through the awarding institution. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

G. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

H. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

J. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

K. Language added to clarify that a SC HOPE recipient who transfers to an eligible two-year institution in the same academic year may receive the LIFE Scholarship upon transferring.

M. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

O(5). “LIFE GPA” language is being replaced with “State Scholarship GPA”.

O(7). “LIFE GPA” language is being replaced with “State Scholarship GPA”.

- Section 62-1200.15: A(2). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- B. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- C. Language added to provide that a student who begins college mid-year, and does not meet the requirements to receive the award the next academic year, may still receive a second term of award the following Fall term. Student would not be eligible in the following Spring term. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- E. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- G. Language added to clarify that all students should be notified of their continued eligibility requirements. This includes those students who indicate they do not wish to continue enrollment.
- Section 62-1200.25: A. Language removed to allow for residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.
- A(2). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- B. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- C. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- D. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- E(2). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- Section 62-1200.30: C(1). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- D. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- F(1). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- F(2). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- F(3). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- F(4). “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- Section 62-1200.35: C. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- Section 62-1200.40: C. “LIFE GPA” language is being replaced with “State Scholarship GPA”.
- E. Language removed to allow for students who take internship, co-op or study abroad to meet the average of 30 credit hours for the year. This will allow them to use Summer schools hours from previous year, AP, IB, CLEP or dual enrollment hours to meet the requirements.
- Section 62-1200.45: C. “LIFE GPA” language is being replaced with “State Scholarship GPA”.

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D. Language removed to allow for students who take leave from school for military service to meet the average of 30 credit hours for the year. This will allow them to use Summer schools hours from previous year, AP, IB, CLEP or dual enrollment hours to meet the requirements.

E. "LIFE GPA" language is being replaced with "State Scholarship GPA".

Section 62-1200.60: B. "LIFE GPA" language is being replaced with "State Scholarship GPA".

C. "LIFE GPA" language is being replaced with "State Scholarship GPA".

E. "LIFE GPA" language is being replaced with "State Scholarship GPA".

E(3) & (4). "LIFE GPA" language is being replaced with "State Scholarship GPA".

F. "LIFE GPA" language is being replaced with "State Scholarship GPA".

G. "LIFE GPA" language is being replaced with "State Scholarship GPA".

O(6) & (7): "LIFE GPA" language is being replaced with "State Scholarship GPA".

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2026, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 26, 2026. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2026, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being revised to align in-state residency timelines with state scholarship residency timelines. In addition, the regulation is being updated to clarify procedures and practices already occurring at the institutions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: 1976 Code Sections 59-149-10 et seq.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

DETERMINATION OF COST AND BENEFITS:

There is no cost incurred by the state

UNCERTAINTIES OF ESTIMATES

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program

Text:

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

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Document No. 5475
STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to revise the renewal methodology for the Palmetto Fellows Scholarship to align with the LIFE Scholarship renewal methodology, establish a State Scholarship GPA calculation for renewal purposes, and clarify the policies and procedures governing the administration of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program. Additional revisions include updates to definitions, administrative procedures, and other technical and conforming changes to improve consistency and administration of the program.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 22, 2026.

Section-by-Section Discussion:

- Section 62-310:
- A. “Academic Year” language revised to clarify the academic year.
 - B. “Annual Credit hour requirement” language was added to clarify that academic credit should be placed on the transcript to be considered.
 - I. “State Scholarship GPA” language added to create a State Scholarship GPA for the Palmetto Fellows Scholarship program.
 - O. “Early Awards” language revised to remove April and replace with procedures established by CHE.
 - Z. Language added to clarify “Independent institutions” language was revised to clarify participating independent institutions in the program.
 - BB. “Late Awards” language revised to remove June and replace with procedures established by CHE.
 - DD. “Military Mobilizations” language added to clarify that Basic Training and Advance Individual Training may be treated the same as military mobilization.
- Section 62-315:
- A.(3). Language added to clarify eligibility at initial college enrollment.
 - D. Language changed from cumulative institutional GPA to “State Scholarship” GPA.
- Section 62-318:
- B. Language changed for Enhancement eligibility to include AP, CLEP, IB and dual enrollment credit hours and a State Scholarship GPA.

- C. Language changed for Enhancement eligibility to include AP, CLEP, IB and dual enrollment credit hours and a State Scholarship GPA.
- Section 62-320: A. Language updated to reflect to electronic application with student submission.
- B. Language updated to reflect electronic process and monthly reports for high school and eligible homeschool association staff.
- D. Language revised to remove June for ‘Late Awards’ applications and replace with date as established by CHE.
- F. “High school GPA” language revised to match LIFE Scholarship verbiage in that students have four years of high school coursework to meet initial GPA requirement.
- I. Language added to reflect the high school and eligible homeschool association is responsible for sending the class rank report to CHE each year.
- Section 62-325: B. Language updated to reflect electronic designation submission process.
- Section 62-330: A.(1). Removed duplicative language on proration that is covered 62-330.B.
- A.(2). Removed duplicative language on proration that is covered 62-330.B. and to correct a typo.
- A.(3). Removed duplicative language on proration that is covered 62-330.B.
- J.(8). Language revised from cumulative GPA to “State Scholarship” GPA.
- Section 62-335: A. Language revised to clarify student must enroll within one academic at an eligible school.
- A.(1). Language revised to clarify that student receives no more than 2 terms toward the first one-year certificate or diploma program.
- A.(2). Language revised to clarify that student receives no more than 4 terms toward the first associate degree or two-year diploma program.
- A.(3). Language revised to clarify that student receives no more than 8 terms toward the first bachelor’s degree or a program of study that does not require a bachelor’s degree and leads directly to a graduate degree.
- A.(4). Language revised to clarify that student receives no more than 10 terms toward the first CHE approved five-year bachelor’s degree program.
- B. Language revised to clarify the Palmetto Fellows renewal eligibility requirements.
- B.(1). Language revised to clarify that student must be degree-seeking and continuously enrolled at an eligible institution.
- B.(2). Language revised to clarify that student must earn at least a 3.0 “State Scholarship GPA”.

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B.(3). Language revised to clarify that student must meet the annual credit hour requirement based off students' initial date of college enrollment.

B.(4). Language revised to clarify that student cannot be in default or owe an overpayment on any federal or state financial aid program.

B.(5). Language revised to clarify that student must remain eligible under the felony alcohol/drug-related misdemeanor provisions.

C. "Continued Eligibility" language revised to clarify when renewal is calculated and calculated using the "State Scholarship GPA" and credit hour requirements.

D. Language revised to clarify the State Scholarship GPA and credit hour requirement for renewal.

E. Language revised to clarify the State Scholarship GPA and credit hour requirement for renewal.

E.(1). Language revised to clarify that a minimum of thirty credit hours is required at the end of the students' first academic year.

E.(2). Language revised to clarify that a minimum of sixty credit hours is required at the end of the students' second academic year.

E.(3). Language revised to clarify that a minimum of ninety credit hours is required at the end of the students' third academic year.

E.(4). Language revised to clarify that a minimum of one hundred twenty credit hours is required at the end of the students' fourth academic year.

F. Language revised to clarify the "Annual Credit Hour Requirement" includes hours earned in AP, IB, CLEP and dual enrollment courses.

G. Language revised to clarify students must maintain a 3.0 "State Scholarship GPA" for renewal.

H. Language revised to clarify institutions must notify students who fail to meet renewal criteria regardless of students' future enrollment.

I. Language revised to clarify Enhancement renewal eligibility requirements.

I.(1). Language revised to clarify student must meet Enhancement eligibility requirements in order to renew the Palmetto Fellows Scholarship Enhancement.

I.(2). Language revised to clarify student must meet Palmetto Fellows renewal requirements in order to renew the Palmetto Fellows Scholarship Enhancement.

I.(3). Language revised to clarify student must be enrolled full-time at an eligible institution in a declared major.

I.(4). Language revised to clarify student must be making satisfactory academic progress toward completion of declared eligible major.

J. Language revised to clarify the institution is responsible to determine Enhancement renewal eligibility.

K. Language revised to clarify any attempt of student fraud to obtain a scholarship or Enhancement could result in forfeiture and is subject to civil or criminal penalties.

Section 62-336:

A. Language added to define how to calculate a “State Scholarship GPA”.

A.(1.). Language added to define how to calculate Grade Points.

A.(2.). Language added to define how to calculate Quality Points.

A.(3.). Language added to divide Quality Points by total number of attempted hours to calculate the “State Scholarship GPA”.

A.(4.). Language added to show “State Scholarship GPA” calculation formula.

B. Language added to clarify that a “State Scholarship GPA” must include grades from all college coursework.

C. Language added to clarify that a “State Scholarship GPA” must not include grades from continuing education and remedial college coursework.

D. Language added to clarify that a “State Scholarship GPA” must be used to determining continuing eligibility for the Palmetto Fellows Scholarship program.

Section 62-340:

A. Language updated to clarify Transfer and Reapplication online processes.

B. Language updated to clarify Transfer and Reapplication online processes.

C. Language revised to clarify eligibility for Transfer and Reapplication students.

D. Language revised to clarify how eligibility for transfer students will be determined.

E. Language revised to clarify that receiving institution is responsible to determine students’ remaining eligibility.

F. Language revised to clarify how receiving institution will calculate students’ eligibility and residency.

G. Language added to clarify that the receiving institution will use the students’ initial date of college enrollment to calculate remaining terms of eligibility.

Section 62-345:

A. Language added to clarify the regulatory section reference and initial eligibility requirements.

B. Language added to clarify the regulatory section reference and use of State Scholarship GPA and credit hours earned eligibility requirements.

C. Language added to clarify the use of an approved reduced course load.

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D. Language added to clarify the eligibility requirements.

Section 62-350: C. Language added to clarify the use of a State Scholarship GPA and annual earned credit hour requirement.

F. Language added to clarify the use of a State Scholarship GPA and annual earned credit hour requirement.

Section 62-351: C. Language added to clarify the use of State Scholarship GPA.

E. Language added to clarify the use of State Scholarship GPA.

Section 62-355: B. Language added to clarify that the student submits the appeal.

D. Language added to correct a typo.

Section 62-360: B. Language added to correct a typo.

G. Language added to correct a typo.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2026, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation to publiccomments@che.sc.gov at the attention of Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received in writing no later than 5:00 p.m. on October 26, 2026. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2026, as noticed above. Comments received by the deadline shall be submitted to the Commission for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

The proposed amendments are expected to result in an estimated annual increase in state expenditures of approximately \$287,500 by aligning the Palmetto Fellows Scholarship renewal methodology with the LIFE Scholarship renewal methodology.

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62 300 through 62 375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to revise the renewal methodology for the Palmetto Fellows Scholarship to align with the LIFE Scholarship renewal methodology, establish a State Scholarship GPA calculation for renewal purposes, and clarify the policies and procedures governing the administration of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program. Additional revisions include updates to definitions, administrative procedures, and other technical and conforming changes to improve consistency and administration of the program.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program and to allow for clarity with awarding.

Legal Authority: 1976 Code Section 59-104-20.

Plan for Implementation: the revised regulations will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility and provide clarity with awarding.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to align the Palmetto Fellows Scholarship renewal requirements with the LIFE Scholarship renewal methodology, establish a State Scholarship GPA calculation, and clarify the policies and procedures for administering the program.

Text:

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

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Document No. 5476
STATE COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-150-370

62-900.85 - 62-900.140. South Carolina HOPE Scholarship.

Preamble:

This proposed regulation will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In the proposed amendments, regulation is being revised to align in-state residency timelines with state scholarship residency timelines. In addition, the regulation is being updated to clarify procedures and practices already occurring at the institutions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on May 22, 2026.

Section-by-Section Discussion:

- Section 62-900.90: L. “Independent institutions/private institutions” Definition was revised to clarify participating independent institutions in the program.
- N. “Military mobilization” Language added to clarify that Basic Training and Advance Individual Training may be treated the same as military mobilization.
- S. “South Carolina resident” Language removed to allow for residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.
- U. “General Educational Development Diploma” Language revised to reflect change to State Scholarship GPA.
- Section 62-900.95: A.(1). Language removed to allow for legal permanent residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.
- A.(2). Language removed to allow for S.C. residency to be obtained by the time initial college enrollment. This will give more time for students to qualify for residency.
- A.(3). Language added to clarify that students should not be allotted additional time beyond high school graduation to obtain the qualifying GPA.
- C. Language removed to clarify that the Early Graduation Process is done through the awarding institution.
- G. Language added to clarify that a SC HOPE recipient who transfers to an eligible two-year institution in the same academic year may receive the LIFE Scholarship upon transferring.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2026, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 26, 2026. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2026, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-900.85 through 62-900.140, LIFE Scholarship Program. This proposed regulation will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In the proposed amendments, regulation is being revised to align in-state residency timelines with state scholarship residency timelines. In addition, the regulation is being updated to clarify procedures and practices already occurring at the institutions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: 1976 Code Section 59-150-370.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

DETERMINATION OF COST AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program

Text:

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

Document No. 5477

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Section 63-11-30

114-594. Additional Requirements for Specified Group Home Population.

Preamble:

The South Carolina Department of Social Services is authorized to license residential group care organizations for children. In carrying out this authority, the overall purpose of licensing by the agency is to promote the provision of a temporary, safe, stable and humane environment for children who are placed in residential group care settings, and that these settings include adequate supervision, supports for mental and physical health, safe physical facilities, and opportunities for appropriate learning experiences to maximize the potential of each child to be well-adjusted, responsible and independent. When interpreting and enforcing these regulations, regulations that provide greater specificity supersede regulations that are more general in nature and are therefore, the controlling authority. All residential group care organizations shall comply with these regulations and all other applicable requirements of State and Federal law.

Section-by-Section Discussion:

The South Carolina Department of Social Services is proposing amendments to South Carolina Code of Regulations Section 114-594, Additional Requirements for Specified Group Home Population, to remove restrictions preventing placement of children who are victims of sex trafficking in group homes that are otherwise able to meet the needs of these children.

The Notice of Drafting was published in the *State Register* on July 24, 2026.

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 of Laws, as amended, such matter will be heard before the Honorable Crystal M. Rookard at the Administrative Law Court, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 on November 13, 2026, beginning at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments may be directed to Kaci Wingate, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202, and by way of electronic mail to Kaci.R.Wingate@dss.sc.gov, no later than 5:00 p.m. on October 26, 2026.

Preliminary Fiscal Impact Statement:

The Department of Social Services does not anticipate a fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department of Social Services is amending Regulation 115-594 to eliminate restrictions preventing placement of children who are victims of sex trafficking in group homes that are otherwise able to meet the needs of these children.

Legal Authority: 1976 Code Section 63-11-30.

Plan for Implementation: Regulation 114-594 will take effect upon approval by the General Assembly and publication in the *State Register*. The Department of Social Services will notify licensed group homes of the new regulation and will post the regulations on the Department's website.

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

The proposed regulation is necessary to promote the implementation of a regulation that eliminates unnecessary restrictions on which group homes can provide care to children who are victims of sex trafficking, with the ultimate goal of expanding the number of appropriate group homes available for placement of these children.

DETERMINATION OF COSTS AND BENEFITS:

By eliminating unnecessary restrictions, the Department of Social Services aims to expand the number of appropriate group homes who provide care for children who are victims of sex trafficking.

UNCERTAINTIES OF ESTIMATES:

The uncertainties of estimates relate to the Department's inability to know with certainty the number of additional sex-trafficked children who will be able to obtain appropriate group home services.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Regulation 114-594 will have no effect on the environment or public health of the State.

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

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There will be no detrimental effects on the environment and public health if Regulation 114-594 is not implemented in this State.

Statement of Rationale:

Regulation 114-594 is being amended to remove unnecessary limitations on group homes accepting placement of children who are victims of sex trafficking, when those group homes are otherwise able to meet the needs of those children.

Text:

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

Filed: August 20, 2026 3:41pm

Document No. 5472
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-4-50

27-1011. Diseases and Health Documentation.

Emergency Situation:

Highly pathogenic avian influenza (HPAI) is a contagious, deadly viral disease of domestic poultry and wild birds. In March 2024, HPAI was detected in lactating dairy cows in Texas. USDA APHIS issued a federal order on April 24, 2024, making this a reportable disease in lactating dairy cattle. In 2026, the USDA removed the HPAI testing requirements for lactating dairy cattle being transported from unaffected states. Lactating dairy cattle moving from provisionally unaffected or affected states are still required to meet the federal order testing requirements.

Since the USDA began tracking HPAI affecting lactating dairy cows, it has affected 1,173 herds in 20 states (Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Wisconsin, and Wyoming). Additionally, lactating dairy cattle have infected backyard and commercial poultry operations.

Epidemiological studies have found that infected wild birds were initially responsible for transmitting the disease to lactating dairy cows, and some newer strains continue to do so. Animal movement and poor biosecurity are responsible for the majority of this disease's spread.

Text:

27-1011. Diseases and Health Documentation. (See generally Section 47-4-60).

A. All persons must report the diagnosed or suspected existence of the following diseases to the State Veterinarian within twenty-four (24) 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)

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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.

1. Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock, April 24, 2024

a. The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), is issuing this Federal Order to prevent the spread of highly pathogenic avian influenza (HPAI). HPAI is a contagious viral disease of domestic poultry and wild birds. HPAI is deadly to domestic poultry and can wipe out entire flocks within a matter of days. HPAI is a threat to the poultry industry, animal health, human health, trade, and the economy worldwide. In the US, HPAI has now been detected in dairy cattle.

b. This Federal Order is issued in accordance with the regulatory authority provided by the Animal Health Protection Act, as amended, 7 U.S.C. § 8301 et seq. Section 8305 authorizes the Secretary of Agriculture to

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prohibit or restrict the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of any pest or disease of livestock into the United States or the dissemination of any pest or disease of livestock within the United States. Section 8308 authorizes the Secretary of Agriculture to carry out operations and measures to detect, control, or eradicate any pest or disease of livestock. Section 8315 authorizes the Secretary of Agriculture to issue orders as he determines necessary to carry out the Animal Health Protection Act. Should this Order be deemed a substantive rule, APHIS has determined that good cause exists to impose these requirements without notice and comment, as further delay would threaten to hasten the spread of the disease, multiplying the potential harm to livestock, poultry, the dairy industry, and, potentially, human health.

c. On February 8, 2022, the U.S. Department of Agriculture (USDA) confirmed HPAI H5N1 virus in a commercial poultry flock in the United States. Since February 2022, USDA has worked swiftly with states and poultry producers to identify and respond to over 1,100 HPAI detections on poultry farms and mitigate the virus' impact on U.S. poultry production and trade.

d. Since late March 2024, the U.S. Department of Agriculture, Food and Drug Administration, Centers for Disease Control and Prevention, state veterinary and public health officials and the National Animal Health Laboratory Network (NAHLN) laboratories have been investigating the emergence of the HPAI, H5N1 virus in dairy cows. The National Animal Health Laboratory Network (NAHLN) is a nationally coordinated network and partnership of Federal, State and university-associated animal diagnostic laboratories. The laboratories are trained and proficiency tested by USDA's National Veterinary Services Laboratories (NVSL) to perform official federal animal health testing; the network provides ongoing disease surveillance, responds quickly to disease events, communicates diagnostic outcomes to decision makers, and has the capability and capacity to meet diagnostic needs during animal disease outbreaks.

e. APHIS will provide reimbursement for testing at NAHLN labs, including samples submitted for (1) dairy cattle suspected of disease due to clinical signs, (2) pre-movement testing, (3) producers interested in the disease status of their asymptomatic animals, and (4) samples taken from other animals on dairies associated with this disease event.

f. As of April 24, 2024, USDA has confirmed HPAI H5N1 clade 2.3.4.4b virus detections on 33 dairy cattle premises in 8 states (Kansas, Idaho, Michigan, New Mexico, North Carolina, Ohio, South Dakota, Texas). USDA has also confirmed – based on specific phylogenetic evidence and epidemiological information – that 8 poultry premises in 5 states (Kansas, Michigan, Minnesota, New Mexico and Texas) have also been infected with the same HPAI H5N1 virus genotype detected in dairy cattle. Additionally, APHIS' National Veterinary Services Laboratories found HPAI in a lung tissue sample from an asymptomatic cull dairy cow that originated from an affected herd and which did not enter the food supply.

g. HPAI has already been recognized as a threat by USDA, and the interstate movement of animals infected with HPAI is already prohibited. See 9 C.F.R. 71.3(b). However, the detection of this new distinct HPAI H5N1 virus genotype in dairy cattle poses a new animal disease risk for dairy cattle – as well as an additional disease risk to domestic poultry farms – since this genotype can infect both cattle and poultry.

h. In order to continue to monitor and understand the extent of this virus and reduce the risk of further disseminating HPAI H5N1 virus, resulting in greater threats to poultry and livestock, this Federal Order requires the following measures, effective Monday, April 29, 2024.

2. Mandatory Testing for Interstate Movement of Dairy Cattle.

a. Prior to interstate movement, dairy cattle are required to receive a negative test for Influenza A virus at an approved National Animal Health Laboratory Network (NAHLN) laboratory.

b. Owners of herds in which dairy cattle test positive for interstate movement will be required to provide epidemiological information, including animal movement tracing.

c. Dairy cattle moving interstate must adhere to conditions specified by APHIS.

d. As will be described in forthcoming guidance, these steps will be immediately required for lactating dairy cattle, while these requirements for other classes of dairy cattle will be based on scientific factors concerning the virus and its evolving risk profile.

3. Mandatory Reporting

a. Laboratories and state veterinarians must report positive Influenza A nucleic acid detection diagnostic results (e.g. PCR or genetic sequencing) in livestock to USDA APHIS.

b. Laboratories and state veterinarians must report positive Influenza A serology diagnostic results in livestock to USDA APHIS.

Statement of Need and Reasonableness:

The proposed regulations will help prevent the spread of highly pathogenic avian influenza (HPAI H5N1) to lactating dairy cows in South Carolina. Following interstate Influenza A testing, as required by the revised federal order for HPAI-affected and provisionally unaffected states, prior to the movement of lactating dairy cows to fairs or exhibitions, will help prevent the spread of the disease by minimizing the risk of commingling with infected animals. Testing will be at no cost to exhibitors of lactating dairy cattle covered by this federal regulation. These costs are covered by the USDA.

DESCRIPTION OF REGULATION:

All out-of-state lactating dairy cattle originating from HPAI-affected and provisionally unaffected states traveling to a South Carolina fair or exhibition must follow the *Technical Notes: Clarification to Inquiries Received on April 24 Federal Order* and must have a valid interstate certificate of veterinary inspection with an accession number for a negative test result from a National Animal Health Laboratory Network (NAHLN) laboratory. Samples must be collected no more than seven days prior to movement to the fair or exhibition and should be collected and submitted by the veterinarian completing the interstate certificate of veterinary inspection. The state of origin must also take the animals back at the farm of origin if any positive results occur at the fair or exhibition.

Legal Authority: 1976 Code Sections 47-4-30 and 47-4-50.

Plan for Implementation: LPH program staff, in collaboration with the United States Department of Agriculture, will implement and enforce the described procedures immediately upon passage. Outreach and education efforts with fair and exhibition leadership on biosecurity best practices and guidance for animal testing, and informing exhibitors and the public about these requirements, have already begun and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of lactating dairy cattle may contact LPH staff for guidance.

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

By requiring interstate Influenza A testing from HPAI-affected or provisionally unaffected states with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, we are helping ensure we are preventing infected animals from entering fairs and exhibitions, minimizing the risk of the spread of the disease by preventing the commingling of infected animals.

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

By requiring interstate Influenza A testing from HPAI-affected or provisionally unaffected states with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, we are helping ensure we are preventing infected animals from entering fairs and exhibitions, minimizing the risk of the spread of the disease by preventing the commingling of infected animals. This will help decrease the risk of lactating dairy cows developing or exhibiting HPAI during public events.

DETERMINATION OF COSTS AND BENEFITS:

The cost of this additional testing requirement is largely being supported by free testing provided by the USDA to NAHLN laboratories. Primarily impacted industries include dairy producers, dairy processors, exhibitors, and poultry producers. By conducting the required additional testing, these producers are mitigating the risk of a possible outbreak at a public event.

UNCERTAINTIES OF ESTIMATES:

Great efforts have gone into predicting and mitigating unnecessary financial impacts to the aforementioned exhibitors. Some costs are required of exhibitors, and efforts were made to minimize those and incorporate them with other requirements in order to mitigate the risk of disease spread and provide as little negative impact to the dairy industry as possible while providing good preventative measures/practices related to protecting livestock herd health and disease transfer across the state. The cost of holding an event at a fair or exhibition will far exceed the cost of mitigation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Additional testing for H5N1 in lactating dairy cattle attending South Carolina fairs and exhibits from HPAI-affected or provisionally unaffected states will help ensure that negative animals are brought into South Carolina and are not a source of the virus in the environment or a potential source of public distress if the disease were to break out during a fair or exhibit. Additionally, only importing negative animals will reduce human exposure and concerns about the spread of H5N1 at fairs and exhibits with large public attendance.

Will support and follow livestock health and public health guidance and requirements as set forth by both State and Federal authorities.

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

Without implementing the proposed regulations, the risk of H5N1-infected lactating dairy cows participating in fairs and exhibitions increases, thereby increasing the risk of intra- and interstate spread of the disease if appropriate measures to prevent it are not taken. This may affect the South Carolina dairy or poultry industries, causing economic loss and animal welfare issues on farms. If the disease were to occur during the fair or exhibition, it would affect human mental well-being and could cause human exposure and potential disease to exhibitors who will be around the animals. There is a small risk of spreading the disease to the public attending the event.

Statement of Rationale:

Additional testing for H5N1 in lactating dairy cattle attending South Carolina fairs and exhibits from HPAI-affected or provisionally unaffected states will help ensure that negative animals are brought into South Carolina and are not a source of the virus in the environment or a potential source of public distress if the disease were to break out during a fair or exhibit.