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Subject: Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gathering; Camps; Mobile/Manufactured Home Parks; Sanitation of Schools; and Nuisances.

History: 4552

By Date Action Description Jt. Res. No. Expiration Date

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- 04/08/2015 Received by Lt. Gov & Speaker 03/14/2016

H 04/14/2015 Referred to Committee

S 04/14/2015 Referred to Committee

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provided for in the Regulation

Document No. 4552

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-10(4) and 44-1-140

61-28. Horse Meat and Kangaroo Meat

61-38. Fairs, Camp Meetings, and Other Gatherings

61-39. Camps

61-40. Mobile/Manufactured Home Parks

61-42. Sanitation of Schools

61-46. Nuisances

**Synopsis:**

The Department has conducted its five-year review of its regulations and brings forth a listing of six obsolete regulations. Regulation 61-28 was promulgated in 1967. Regulation 61-38 was promulgated in 1944. Regulation 61-39 was promulgated in 1995. Regulation 61-40 was promulgated in 1986. Regulation 61-42 was promulgated in 1989. Regulation 61-46 was promulgated in 1946 and last amended in 1972. With the exception of the 1972 amendment of Regulation 61-46 these regulations have never been amended. These regulations have become obsolete and are no longer needed. Under current statutes and other regulations there exists sufficient authority to address and control any major requirements related to environmental or public health issues. As such, the Department is proposing repeal of these regulations.

A Notice of Drafting for these repeals of regulations was published in the *State Register* on October 24, 2014.

See the Statements of Need and Reasonableness and Rationale herein.

**Instructions:** Repeal R.61-28; R.61-38; R.61-39; R.61-40; R.61-42; and R.61-46 in their entirety with this repeal amendment.

**Text:**

**Repeal 61-28 to read:**

**61‑28. [Repealed]**

**Repeal 61-38 to read:**

**61-38. [Repealed]**

**Repeal 61-39 to read:**

**61‑39**. **[Repealed]**

**Repeal 61-40 to read:**

**61‑40. [Repealed]**

**Repeal 61-42 to read:**

**61-42. [Repealed]**

**Repeal 61-46 to read:**

**61-46. [Repealed]**

**Fiscal Impact Statement**:

There are no anticipated new costs associated with the implementation of this regulation to the state or its political subdivisions.

**Statement of Need and Reasonableness**:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to 1976 S.C. Code Section 1-23-115(C) (1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Repeals of R.61-28, *Horse Meat and Kangaroo Meat*; R.61-38, *Fairs, Camp Meetings, and Other Gatherings*; 61-39, *Camps*; and R.61-40, *Mobile/Manufactured Home Parks*; R.61-42, *Sanitation of Schools*; and R.61-46, *Nuisances*.

Purpose: The Department has conducted its five-year review of its regulations and has brought forth this listing of six obsolete regulations. In the interest of good government and efficiency, the Department is repealing regulations R.61-28; R.61-38; R.61-39; R.61-40; R.61-42; and R.61-46.

Legal Authority: 1976 S.C. Code Section 44-1-140.

Plan for Implementation: None.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATIONS FOR REPEAL BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department has conducted its five-year review of its regulations and brings forth a listing of six obsolete regulations. In the interest of good government and efficiency, the Department is repealing the regulations listed below:

R.61-28, *Horse Meat and Kangaroo Meat*

R.61-28 was promulgated in 1967 and has never been amended. Today South Carolina statutes and R.61-25, *Retail Food Establishments*, addresses the major requirements and issues of this regulation.

R.61-38, *Fairs, Camp Meetings, and Other Gatherings*

R.61-38 was promulgated in 1944 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation,* address the major requirements and issues of this regulation.

R.61-39, *Camps*

R.61-39 was promulgated in 1995 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-51, *Public Swimming Pools*;R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation,* address the major requirements and issues of this regulation.

R.61-40 *Mobile/Manufactured Home Parks*

R.61-40, was promulgated in 1986 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation,* address the major requirements and issues of this regulation.

R.61-42, *Sanitation of Schools*

R.61-42 was promulgated in 1989 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-51, *Public Swimming Pools*;R.61-56, *Onsite Wastewater Systems*; R.61-58, *State Primary Drinking Water Regulation;* and R.61-86, *Standards of Performance for Asbestos Projects*, address the major requirements and issues of this regulation.

R.61-46, *Nuisances*

R.61-46 was promulgated in 1946, last amended in 1972, and has not been amended since. South Carolina statutes to include Code Sections 44-1-140 and Title 48, *Environmental Protection and Conservation*, *Chapter 1*, *Pollution Control Act*; and regulations to include R.61-9, *Water Pollution Control Permits*; and R.61-56, *Onsite Wastewater Systems*, address the major requirements and issues of this regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated fiscal or economic impact on the State or its political subdivisions and the regulated community by the repeals of these regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no anticipated negative environmental or public health effects resulting from these repeals.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There are no anticipated negative effects on the environment and public health by the repeals of these six regulations.

**Statement of Rationale:**

The determination to repeal these regulationswas based on the Department's five-year review of its environmental health regulations. The results of the review established that in the interest of efficient and good government, these regulations listed above are no longer required. With attention to public health and the environment, there exists under current state statutes and other regulations sufficient authority to address and control any major environmental or public health issues covered by the regulations for repeal.