

Article 85A.

Supply Chain Emergency Act.

§ 106-1052. Title.

This Article shall be known as the Supply Chain Emergency Act of 2023. (2023-137, s. 25.)

§ 106-1053. Definitions.

The following definitions apply in this Article:

- (1) Commissioner. – The Commissioner of Agriculture.
- (2) Department. – The Department of Agriculture and Consumer Services. (2023-137, s. 25.)

§ 106-1054. Commissioner of Agriculture's authority to mitigate poultry supply chain disruptions.

(a) Notwithstanding any other provision of law, when the Commissioner of Agriculture, in consultation with poultry processors and slaughter facilities, determines that there is an imminent threat to or a disruption of the agricultural supply chain or food supply chain with respect to poultry due to a lack of capacity at rendering facilities or landfills, the Commissioner may convene a meeting of the Board of Agriculture to seek concurrence to implement the measures contained in this section. Upon concurrence by majority vote of the Board of Agriculture that such circumstances exist, the Commissioner is authorized to develop and implement any emergency measures and procedures as the Commissioner determines necessary to mitigate the impacts of such threat or disruption to the supply chain. Any emergency measure or procedure relating to composting of dead domesticated poultry, or the renderings, offal, or byproducts thereof, pursuant to this section shall be deemed to be permitted pursuant to G.S. 143-215.1(b) and G.S. 130A-294, and it shall not be necessary for the Department of Environmental Quality to issue individual permits. No further permitting shall be required for such composting. Composting conducted pursuant to an emergency measure developed under this section shall be supervised by subject matter experts as determined by the Commissioner. Finished compost may be land applied at agronomic rates as established by North Carolina State University or committed to other uses as determined by the Department.

(b) For any meeting convened by the Commissioner of Agriculture pursuant to subsection (a) of this section, the Commissioner shall document the contact and response of each Board of Agriculture member and shall release the concurrence, nonconcurrence, or no response provided by each member by name on the same website in which the order is published. All documentation of the contact and response of each member of the Board of Agriculture shall be a public record.

(c) Chapter 150B of the General Statutes does not apply to emergency measures and procedures developed and implemented pursuant to this section.

(d) All emergency measures and procedures developed and implemented pursuant to this section shall last no longer than 90 days from the issuance thereof, unless renewed in accordance with the provisions in this section. The Commissioner may issue only one renewal of the emergency measures and procedures, and the renewal shall last no longer than 90 days from the date of renewal.

(e) All State agencies and political subdivisions of the State shall cooperate and comply with the implementation of the emergency measures and procedures developed under this section, including all renewals thereof. (2023-137, s. 25.)

§ 106-1054.1. Commissioner of Agriculture's authority to mitigate livestock supply chain disruptions.

(a) Notwithstanding any other provision of law, when the Commissioner of Agriculture, in consultation with protein processors and slaughter facilities, determines that there is an imminent threat to or a disruption of the agricultural supply chain or food supply chain with respect to livestock due to a lack of capacity at rendering facilities or landfills, the Commissioner may consult with the Governor and convene a meeting of the Board of Agriculture to seek concurrence to implement the measures contained in this section. Upon concurrence by majority vote of the Board of Agriculture that such circumstances exist, the Commissioner is authorized to develop and implement any emergency measures and procedures as the Commissioner determines necessary to mitigate the impacts of such threat or disruption to the supply chain. However, any emergency measure or procedure relating to composting of dead domesticated livestock, or the renderings, offal, or byproducts thereof, pursuant to this section shall be submitted to the Governor for approval. Upon the approval of the Governor, such measures shall be deemed to be permitted pursuant to G.S. 143-215.1(b) and G.S. 130A-294, and it shall not be necessary for the Department of Environmental Quality to issue individual permits. No further permitting shall be required for such composting. Composting conducted pursuant to an emergency measure developed under this section shall be supervised by subject matter experts as determined by the Commissioner. Finished compost may be land applied at agronomic rates as established by North Carolina State University or committed to other uses as determined by the Department.

(b) For any meeting convened by the Commission [Commissioner] of Agriculture pursuant to subsection (a) of this section, the Commissioner shall document the contact and response of each Board of Agriculture member and shall release the concurrence, nonconcurrence, or no response provided by each member by name on the same website in which the order is published. All documentation of the contact and response of each member of the Board of Agriculture shall be a public record.

(c) Chapter 150B of the General Statutes does not apply to emergency measures and procedures developed and implemented pursuant to this section.

(d) All emergency measures and procedures developed and implemented pursuant to this section shall last no longer than 90 days from the issuance thereof, unless renewed in accordance with the provisions in this section. The Commissioner may issue only one renewal of the emergency measures and procedures, and the renewal shall last no longer than 90 days from the date of renewal.

(e) All State agencies and political subdivisions of the State shall cooperate and comply with the implementation of the emergency measures and procedures developed under this section, including all renewals thereof. (2023-137, s. 25.)