

CHAPTER 61 - SANITATION OF BEDDING

02 NCAC 61 .0101 DEFINITIONS

The following definitions shall apply throughout the rules of this Chapter:

- (1) "Chemical Method" means a process accomplished by application of a disinfectant registered by the U.S. Environmental Protection Agency under 7 U.S.C. Chapter 125 SEC. 3. [136a] of the Federal Insecticide, Fungicide, and Rodenticide Act, and labeled as a disinfectant for bedding.
- (2) "Chief Financial Officer" means the officer or employee with primary bookkeeping responsibility for a business that manufactures, sanitizes, sells, or offers to sell bedding in this State.
- (3) "Division" means the Structural Pest Control and Pesticides Division of the N.C. Department of Agriculture and Consumer Services.
- (4) "Dry Heat Method" means a process accomplished by conduction, where heat is absorbed by the exterior surface of an item and then passed inward to the next layer.
- (5) "Person" means an individual, corporation, company, partnership, or other legal entity.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. January 1, 1988;
Transferred from 15A NCAC 18B .0201 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Amended Eff. December 1, 2022.*

02 NCAC 61 .0102 AUTHORIZED SANITIZING PROCESSES

(a) Sanitization pursuant to G.S. 106-65.95 shall be done by one of three methods provided in the Rule: the dry heat process, the chemical method, or the washing process.

(b) The dry heat process may be used to sanitize secondhand mattresses, innersprings, or similar covered in whole or in part by a porous material or fabric. In order to properly sanitize using the dry heat process:

- (1) To be sanitized by the dry heat method, all items to be sanitized shall be placed upon a rack or other device which provides a minimum distance of six inches from the floor and in an arrangement that provides even distribution of heat throughout the items, and placed in a sealed chamber. All items to be sanitized shall be separated a minimum distance of six inches from the walls, floors, and ceilings of the chamber and every other item being sanitized. The temperature in the chamber shall be raised to 230 degrees Fahrenheit and that temperature shall be maintained for two hours.
- (2) A thermometer accurate to within one-degree Fahrenheit shall be placed within the chamber during each dry heat process. The thermometer shall be visible and checked every 15 minutes by the operator of the chamber to ensure the chamber maintains the temperature set forth in Subparagraph (b)(1) of this Rule. Should the temperature fall below 230 degrees during the process, the dry heat process shall re-start for an additional two hours.

(c) No product shall be used in a manner inconsistent with its labeling or instructions in the sanitization process.

(d) The chemical method of sanitizing is authorized if performed in accordance with the requirements of this rule. Only those products evaluated and registered by the United States Environmental Protection Agency ('EPA') and the Division, as approved for use as disinfectants of articles of bedding shall be used. The product used must clearly state, on the label or on printed materials included on each container or package, detailed instructions for its use in disinfecting articles of bedding. No person shall use an unregistered product or use a registered product in a manner inconsistent with its labeling or these Rules in the sanitization process.

(e) In the washing process, the bedding shall be boiled for two hours with a soap or detergent. The product is considered sanitized after drying, and the bedding shall be free from dirt, marks, stains, or other offensive odors or materials.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. January 1, 1985;
Transferred from 15A NCAC 18B .0202 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Amended Eff. December 1, 2022.*

02 NCAC 61 .0103 OTHER METHODS OF SANITIZING

Notwithstanding the provisions of Rule .0102 of this Section, other methods of sanitizing may be used after receiving the approval of the Division. The Division shall approve other methods of sanitation provided the applicant has submitted an application with data to demonstrate the effectiveness of the method in destroying pathogenic microorganisms and arthropods, and removing dirt and filth.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. September 1, 1990;
Transferred from 15A NCAC 18B .0203 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.*

02 NCAC 61 .0104 RECORDKEEPING FOR SANITIZATION

(a) A person who sanitizes as defined by G.S. 106-65.95(7), previously used material or bedding shall keep a record of the kind of material and bedding which has been sanitized.

(b) The record shall be retained on the business premises or with each mobile unit for two years and shall be made available for inspection by the Division upon request.

(c) The record shall include the following:

- (1) the date of sanitization;
- (2) the sanitization method used;
- (3) the kind of materials and types of items sanitized;
- (4) the unit number of bedding articles sanitized;
- (5) a list of all chemicals, including EPA Reg. numbers, total amount applied per application used in the pre- and post-sanitizing process; and
- (6) the name of the person and company performing the sanitization.

*History Note: Authority G.S. 106-65.107;
Eff. December 1, 2022.*

02 NCAC 61 .0105 DISPOSAL OF UNCLEAN BEDDING

Secondhand bedding and previously-used materials that show evidence of contamination with feces, urine, pus, vomit, blood, mucus, or are not clean after using methods described in Rules .0102 or .0103 of this Section must be removed from use and destroyed.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0204 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0104 Eff. December 1, 2022.*

02 NCAC 61 .0106 STORAGE OF SECONDHAND OR PREVIOUSLY-USED MATERIALS

When secondhand bedding or previously-used materials that have not been sanitized are stored in a bedding manufacturing establishment, a sanitizing business, a retail outlet, a distribution warehouse, and in the same room with new or sanitized bedding or bedding materials, the secondhand bedding or previously-used materials shall be segregated from the new or sanitized bedding or bedding materials:

- (1) by partitions that are free of holes, cracks, or other openings. The top of the partitions must be at least one foot higher than the level of the unsanitized materials; or
- (2) by complete separation by a minimum of six feet.

*History Note: Authority G.S. 106-65.98; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0205 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0105 Eff. December 1, 2022;
Amended Eff. December 1, 2022.*

02 NCAC 61 .0107 NON-TRANSFERABLE REGISTRATION

Upon receipt of the application form set forth in Rule .0109 of this Chapter, the Division shall issue a registration number to all persons manufacturing or sanitizing bedding in this State or manufacturing bedding to be sold in this State unless the person has a registration number from another state. The registration numbers shall not be transferable.

*History Note: Authority G.S. 106-65.102; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0206 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0106 Eff. December 1, 2022.*

02 NCAC 61 .0108 TRANSFER OF MANUFACTURERS' AND SANITIZERS' LICENSES

(a) If any person to whom a manufacturer's license or sanitizer's license has been issued shall sell his or her manufacturing or sanitizing business he or she may transfer the license with the business in accordance with Paragraph (b) of this Rule.

(b) The Division shall approve the transfer provided the purchaser has submitted the following:

- (1) the name and address of the seller;
- (2) the location of the establishment being purchased;
- (3) the name of the establishment being purchased;
- (4) the name and address of the purchaser;
- (5) the effective date of sale; and
- (6) whether the name of the establishment being purchased is to be changed, and if so, the name under which it is to be operated by the purchaser.

(c) The Division shall notify the purchaser in writing of the approval of the transfer.

*History Note: Authority G.S. 106-65.102; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0207 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0107 Eff. December 1, 2022.*

02 NCAC 61 .0109 LICENSE FEES AND APPLICATIONS

(a) Applications for a license shall be on a form provided by the Division and shall contain the following information:

- (1) the name of the business;
- (2) the physical address for the plant or operation;
- (3) the name, title, mailing address, and telephone number and email address if available, for the contact person for the license;
- (4) the type of bedding units the business manufactures, sanitizes or renovates;
- (5) a physical sample of the tag, which the applicant shall use as required by G.S. 106-65.99 and 02 NCAC 61 .0110, and shall not include paper, photo, or electronic copies;
- (6) the current copy of the Uniform Registration Number certificate from the issuing state;
- (7) the signature of Chief Financial Officer.

(b) In addition to the information required in Paragraph (a) of this Rule, renewal applications shall also contain the following information:

- (1) the number of bedding units manufactured in North Carolina, but not sold in North Carolina;
- (2) the number of bedding units manufactured in North Carolina and sold in North Carolina;
- (3) the number of bedding units manufactured outside of North Carolina, or the United States, and sold in North Carolina;
- (4) Number of bedding units sanitized or renovated in North Carolina.

(c) The applicant shall submit a verification from the applicant's chief financial officer that he has examined the records of the applicant and that the information provided in accordance with G.S. 106-65.103 correctly reflects the information contained in the records of the applicant. However, based upon its review of an applicant's prior years' licensing submissions, or documentation from its compliance monitoring inspections if the Division has reason to

believe that the information provided is incomplete, misleading or incorrect, the Division may require the applicant to obtain a certification of the required information by an independent Certified Public Accountant licensed to practice in North Carolina.

(d) License renewal fees, in accordance with G.S. 106-65.103, shall be paid in full on March 1 of each year. Applicants who have not operated for a full calendar year may owe additional fees or be due a refund for the first year's operation. Application forms for making the determination of fee payment owed or refunded shall be furnished by the Division and shall include the information contained in Paragraph (a) of this Rule. When the requirements of G.S. 106-65.103(a) can be met, the option described by G.S. 106-65.103(b) will no longer be available to the applicant.

(e) Applicants who have gone out of business in the initial year of their operation and who have paid the license fee in accordance with G.S. 106-65.103 may request a refund for the remainder of the calendar year upon providing the number of the bedding units sold or manufactured in North Carolina during the operating portion of the calendar year as verified in writing by the Chief Financial Officer.

*History Note: Authority G.S. 106-65.103; 106-65.107;
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Transferred from 15A NCAC 18B .0209 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0108 Eff. December 1, 2022;
Amended Eff. December 1, 2022.*

02 NCAC 61 .0110 CANCELLATION OF LICENSES

A license shall be issued to persons manufacturing or sanitizing bedding in this state or manufacturing bedding to be sold in this state in accordance with G.S. 106-65.103. When the person to whom the license was issued goes out of business, the license shall be canceled. Upon submission of proof to and determination by the Division that the person's initial payment was more than the amount for which the person is responsible for any remaining quarters, a refund is owed to the person going out of business shall be made by the Division in accordance with G.S. 106-65.103(b) for any remaining quarters.

*History Note: Authority G.S. 106-65.103; 106-65.107;
Eff. April 1, 1984;
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Transferred from 15A NCAC 18B .0209 Eff. May 1, 2012;
Readopted Eff. January 1, 2021;
Transferred from 02 NCAC 61 .0109 Eff. December 1, 2022.*

02 NCAC 61 .0111 DURABLE MATERIALS FOR TAGS

In addition to the requirements set forth in G.S. 106-65.99, identifying tags shall be of linen, muslin, white vellum cloth, or other durable material that will not flake when abraded or be torn. Paper or plastic face tags shall not be allowed. Tags shall be printed or stamped on one side only in colorfast black letters that will not fade or wash out. Tags shall be so located that the information contained thereon is visible to the purchaser at all times and shall be securely sewn to the bedding. The labeling requirements of other governmental units may appear on the tag.

*History Note: Authority G.S. 106-65.99; 106-65.107;
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Amended Eff. December 1, 2022.*

02 NCAC 61 .0112 SEVERABILITY

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;*

*Transferred from 15A NCAC 18B .0212 Eff. May 1, 2012;
Repealed Eff. March 1, 2021.*

02 NCAC 61 .0113 EFFECTIVE DATE OF LICENSES

The licenses issued pursuant to these Rules shall be valid from the first day of March of any calendar year through the last day of February of the following year, except for partial year licenses issued in accordance with G.S. 106-65.103(d). If the license fee or an installment of the license fee has not been paid by the due date listed in 02 NCAC 61 .0109(c), the license shall be invalid and the Division shall prohibit sale pursuant to G.S. 106.65-105.

*History Note: Authority G.S. 106-65.103; 106-65.105; 106-65.107;
 Eff. April 1, 1984;
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