



Summary & notice



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

April 12, 1977

Subject: Proposed Amendments to West Virginia Meat Inspection
Rules and Regulations Governing Chapter 19, Article
2-B, Code of West Virginia

Dear

On May 31, 1977, at 10:00 a.m., a hearing will be held in the Johnson Conference Room, East Wing basement - Room 95, State Capitol Building, Charleston, West Virginia. The purpose of the hearing is to receive any data, objections, suggested amendments, views, evidence and arguments orally or in writing concerning proposed amendments to the West Virginia Meat Inspection Rules and Regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by mailing them in duplicate to Dr. Walter D. Hammer, Director Meat Inspection Division, Room - E-107, State Capitol Building, Charleston, West Virginia 25305, before May 31, 1977.

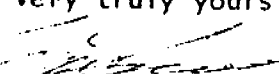
The amendments to the West Virginia Regulations are necessary at this time to update the current regulations so that they will be "Equal To" Federal regulations. The 1967 Federal Meat Inspection Act requires all State meat inspection programs to have "Equal To" Federal Meat Inspection Regulations.

The new proposed amendments will involve Sections 8, 17, 18, 19 and 22 of the current rules and regulations. If the amendments are adopted after the May 31st hearing the effective date for compliance will be July (77), unless a particular amendment specifies a later date or the Agriculture Commissioner administratively delays enforcement of an amendment to a later date.

Proposed amendments are attached for your review.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

Very truly yours,


Walter D. Hammer, D.V.M.
Director
Meat Inspection Division

WDH/th

THIS DATE 4/29/77



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

April 25, 1977

Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Manchin:

In compliance with Chapter Twenty-nine A-3-8 of the West Virginia Code, I am enclosing proposed changes and amendments to West Virginia Rules and Regulations Governing Chapter 19, Article 2-B Meat Inspection. A notice is attached to the enclosure which reveals the time, date, and place at which interested parties may submit data, objections, suggested amendments, views, evidence and arguments orally or in writing concerning the proposed rules and regulations.

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD:mw

Enclosure

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/29/77

4/29/77



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

April 12, 1977

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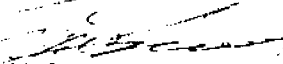
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Proposed amendments are attached for your review.

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

Very truly yours,


Walter D. Hammer, D.V.M.
Director
Meat Inspection Division

WDH/th

THIS DATE 4/29/77

An informative summary of the proposed changes and amendments to
The West Virginia Rules and Regulations Governing Chapter 19, Article 2-B.

Page -31-

§ 8.12 heading changed to read: "Second-hand tubs, barrels, other containers".
Letter (a) deleted
Letter (b) with contents revoked

Page -101-

§ 17.08 (b) (1) after word polish add "italian"

§ 17.08 (b) (2) after word prepared add the words "And Provided further, that the provisions of this subparagraph shall not apply to products prepared in accordance with § 19.106 of these regulations".

Page -105a-

§ 17.08 (b) (33) delete word reserved and add words:

(33) "When bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, or isolated soy protein is added in bockwurst as permitted in § 19.281 of these regulations, there shall appear on the label in a prominent manner and contiguous to the product name, the name of such added ingredient, e.g., "Bread Added," "Cereal Added," or "Soy Protein Concentrate Added," as the case may be."

Page -118-

§ 18.07 (c) under column titled Products after words,"and serve sausage;" add words ,"italian sausage products",

Page -119-

§ 18.07 (c) under column titled Substance after words "whey" (dried) add following substance -

Xanthan Gum	to maintain Uniform Viscosity: suspension of particulate matter; emulsion stability; freeze-thaw stability.	Meat sauces, gravies or sauces and meats, canned or frozen and/or refrigerated meat salads, canned or frozen meat stews, canned chili or chili with beans, pizza topping mixes and batter or breading mixes.	Sufficient for purpose.
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OFFICE OF THE CLERK OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS COPY 4/29/77

§ 18.07 (d) (1) after the words chorizo sausage delete the words: "and Italian brand sausage",

Pages -164-, -165-, & 165a-

§ 19.106 heading changed to Read: "Country Ham," "Country Style Ham," "Dry Cured Ham," and "Country Pork Shoulder," "Country Style Pork Shoulder," and "Dry Cured Pork Shoulder".

§ 19.106 (a), (b), (c), and (d) on pages 164, 165 & 165a contents changed to read:

(a) "Country Ham," "Country Style Ham," or "Dry Cured Ham," and "Country Pork Shoulder," "Country Style Pork Shoulder," or "Dry Cured Pork Shoulder" and the uncooked, cured, dried, smoked or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham," as specified in § 17.08 (b) (13) of these regulations, or from a single piece of meat from a pork shoulder. They are prepared in accordance with paragraph (c) of this section by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in paragraph (d) of this subsection. They may not be injected with curing solutions nor placed in curing solutions.

(b) The product must be treated for the destruction of possible live trichinae in accordance with such methods as may be approved by the Director upon request in specific instances and none of the provisions of this standard can be interpreted as discharging trichinae treatment requirements.

(c) (1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in paragraph (d) of this subsection.

(2) Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(3) When sodium or potassium nitrate, or sodium or potassium nitrite, or a combination thereof, is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least 4 percent.

(4) When no sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite or a combination thereof is used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than 10 percent or a water activity of not more than 0.92.

(5) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulder; the total time for curing, salt equalization, and drying shall not be less than 70 days for hams, and shall not be less than 50 days for pork shoulders. During the drying and smoking period, the internal temperature of the product must not exceed 95° F., provided that such temperature requirement shall not apply to product dried or smoked under natural climatic conditions.

(6) For hams or pork shoulders labeled "dry cured," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 55 days for hams and shall not be less than 40 days for pork shoulders.

(7) The weight of the finished hams and pork shoulders covered in this subsection shall be at least 18 percent less than the fresh uncured weight of the article.

(d) The optional ingredients for products covered in this subsection are:

(1) Nutritive sweeteners, spices, seasonings and flavorings.

(2) Sodium or potassium nitrate and sodium or potassium nitrite if used as prescribed in this subsection and in accordance with § 18.07 (c) (4) of these regulations.

Page -166-

Under Subpart F before contents of § 19.160 add:

§ 19.145 Italian sausage products.

(a) Italian sausage products are uncured, unsmoked sausages containing at least 85 percent meat, or combination of meat and fat, with the total fat content constituting not more than 35 percent of the finished product. Such products shall be prepared in accordance with the provisions of paragraph (a) (1), (2) or (3) of this subsection, and shall contain salt, pepper, and either fennel or anise, or a combination of fennel and anise. Such products may contain any or all of the optional ingredients listed in paragraph (b) of this subsection.

(1) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat.

(2) "Italian Sausage with Beef," "Italian Sausage with Veal," or "Italian Sausage with Beef and Veal," shall be prepared so that fresh or frozen pork constitutes the major portion of the meat content requirement of this paragraph. When pork muscle tissue is combined with beef or veal, or both, in the preparation of bulk-packed products, or patties, it shall be treated for the destruction of possible live trichinae in accordance with § 18.10 of these regulations.

(3) "Italian Beef Sausage" or "Kosher Italian Beef Sausage" shall be prepared with fresh or frozen beef or beef and beef fat. "Italian Veal Sausage" or "Kosher Italian Veal Sausage" shall be prepared with fresh or frozen veal or veal and veal fat.

(b) Optional ingredients permitted in Italian sausage products include:

(1) Spices (including paprika) and flavorings.

(2) Water or ice to facilitate chopping or mixing, but not to exceed 3 percent of the total weight of all ingredients including the water.

(3) Red or green peppers, or both.

(4) Dehydrated or fresh onions, garlic, and parsley.

(5) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.

(6) Monosodium glutamate and antioxidants in accordance with the chart of substances in § 18.7 (c) (4) of these regulations.

(c) If Italian sausage products are cooked, determination of compliance with the provisions of paragraphs (a) and (b) of this subsection shall be based on the uncooked product.

Page -168a-

Subpart L title changed to read: Meat Specialties, Puddings and Nonspecific Loaves.

Under Subpart L below contents of § 19.280 add:

§ 19.281 Bockwurst

(a) "Bockwurst" is an uncured, comminuted meat food product which may or may not be cooked. It contains meat, milk, or water or a combination thereof, eggs, vegetables, and any of the optional ingredients listed in paragraph (b) of this subsection; and is prepared in accordance with the provisions of paragraph (a) (1), (2), (3), and (4) of this subsection.

(1) Meat shall constitute not less than 70 percent of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Pork may be omitted when the specie or species of meat used in the product is identified in the product name (e.g., Veal Bockwurst, Beef Bockwurst or beef and veal (Bockwurst)). Such meat shall be fresh or fresh frozen meat.

(2) The "milk" may be fresh whole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, any combination thereof.

(3) "Eggs" refer to whole eggs that are fresh, frozen, or dried.

(4) "Vegetables" refer to onions, chives, parsley, and leeks, alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

(1) Pork Fat.

(2) Celery, fresh or dehydrated.

(3) Spices, flavorings.

(4) Salt.

(5) Egg whites, fresh, frozen, or dried.

(6) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of 2 percent individually or collectively, calculated on a dry basis. The maximum quantities of such ingredients shall be computed on the basis of the total weight of the ingredients.

(7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.

(8) Sugars (sucrose and dextrose).

(9) Cereal, bread, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2 percent of total weight of all the ingredients, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other ingredients permitted in this subparagraph. Bockwurst containing any of the ingredients permitted by this subparagraph shall be labeled in accordance with § 17.8 (b) (33) of these regulations.

(c) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this subsection.

Page -185-

§ 22.01 heading changed to read: Transactions in intrastate commerce prohibited without official inspection legend or certificate: exceptions; and vehicle sanitary requirements.

Delete contents of paragraph under § 22.01 and add:

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under Sections 16 and 17 of these regulations or such product is excluded or exempted from the requirement of inspection under Section 4 of these regulations.

(b) No person, engaged in the business of buying, selling, freezing, storing or transporting, in or for intrastate commerce, meat or meat food products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation in intrastate commerce, any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the

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SECRETARY OF STATE OF
WEST VIRGINIA

means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 18.2 (d) of these regulations.

Page -191-

§ 22.10 wording in (a) changed to read:

(a) When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported in intrastate commerce to the official establishment from which it had been transported, or to any other official establishment 1/ designated by the person desiring to so handle the product if a written permit for such shipment is first obtained from the Veterinary Supervisor of the area in which the establishment is located. In case of every such shipment the permit shall be surrendered to the initial carrier and the carrier shall require and the shipper shall make, in duplicate, and deliver to the carrier one copy of a certificate in the following form:

Date _____, 19____

Name of Carrier _____

Consignor _____

Point of shipment _____

Consignee _____

Destination _____

Number of permit _____

I hereby certify that the following described product has been W. Va. inspected and passed by the West Virginia Department of Agriculture and is so marked. It is alleged that the said product is adulterated or misbranded.

1/ When shipments from Federal establishments or Talmadge-Aiken establishments

are involved, the Director, Meat Inspection Division, West Virginia Department of Agriculture will be notified for handling procedures.

Page -192-

§ 22.10 change (several words deleted) (b) to read:

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill or lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be retained by the shipper in accordance with Section 20 of these regulations. The certificate and the inspector's permit shall be retained by the carrier. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and retained by the shipper in accordance with Section 20 of these regulations.

Page -197-

§ 22.13 change (several words deleted) (2) to read:

(2) Except as provided in paragraphs (3), (4), and (5), the following agents are prescribed for decharacterizing other carcasses, parts thereof, meat and meat food products, for which decharacterizing is required by this Section: FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; finely powdered charcoal; or other proprietary substance approved by the Commissioner in specific cases.1/

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF THE OFFICE OF THE SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 4/29/72