

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

FILED

JUL 15 1 32 PM '94

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative; CITE AUTHORITY Chapter 19, Article 29

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 23D

TITLE OF RULE BEING PROPOSED: Regulations Governing Inspection of Nontraditional, Domesticated Animals

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 15, 1994 AT 8:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. Warren J. Charminski
Meat Inspection Division
WV Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305-0179

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

[Handwritten signature]

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

3.80

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**Title 61  
Legislative Rules  
Department of Agriculture**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**Series 23D  
Regulations Governing Inspection of Nontraditional,  
Domesticated Animals**

**§61-23D-1. General**

1.1 Scope - Regulations governing inspection of nontraditional domesticated animals such as antelope, bison, buffalo, deer, elk, reindeer, and rabbit and edible products derived thereof are established in order to implement the requirements of Chapter 19, Article 28 "Production of Nontraditional Agriculture Products" of the Code of West Virginia. Section 19-29-1 authorizes the Commissioner of Agriculture to promulgate regulations to provide inspection of such animals, meat, and meat products.

1.2 Authority - Code of West Virginia, Chapter 19, Article 29.

1.3 Filing date -

1.4 Effective date -

**§61-23D-2. Incorporation by Reference of Federal Regulations on  
Inspection of Exotic Animals and Rabbits**

The Regulations on Inspection of Exotic Animals (9 CFR, Part 352) and Inspection of Rabbits and Edible Products Thereof (9 CFR, Part 354) of the United States Department of Agriculture are hereby adopted with the exception of the deleted regulations specified in section 3 of these regulations.

**§61-23D-3. Deleted Regulations**

The following sections of the Federal regulations governing the inspection of exotic animals and rabbits and edible products thereof (CFR, Parts 352 and 354) of the United States Department of Agriculture shall be deleted and shall not become regulations of the West Virginia Department of Agriculture: 352.5; 352.7 (a) and (b); 354.1 (n) and (u); 354.2 (a), (b), and (c); 354.20 through 354.33; 354.63 (c); 354.64; 354.65; 354.100 through 354.110; 354.143; 354.160; 364.161; 352.162; and 354.248.

## **§61-23D-4. Definitions**

4.1 Definitions in the adopted parts of the Federal regulations are amended to read as follows:

4.1.1 "The Act" means the Code of West Virginia Chapter 19, Article 29.

4.1.2 "The United States Department of Agriculture" means the West Virginia Department of Agriculture.

4.1.3 "Secretary" means Commissioner of Agriculture.

4.1.4 "Administrator", "Regional Director", and "Area Supervisor" mean the Director, Meat Inspection Division

4.1.5 "The Food Safety and Inspection Service", "Service", and "Program" mean the Meat Inspection Division.

4.1.6 "Official Plant" means an establishment licensed by the Commissioner of Agriculture.

4.1.7 "Exotic Animal" means a nontraditional animal domesticated from wild stock, either native or nonnative, including rabbits.

4.1.8 "U. S. Inspected" means West Virginia Department of Agriculture Inspected.

4.1.9 "U. S. Suspect" means West Virginia Department of Agriculture Suspect.

## **§61-23D-5. The Place of Slaughter and Processing of Nontraditional, Domesticated Animals**

5.1 The slaughter and processing of nontraditional, domesticated animals may take place at any commercial establishment licensed by the Commissioner of Agriculture pursuant to the Code of West Virginia, Chapter 19, Article 2B.

5.2 The slaughter and processing of rabbits intended for sale in commercial outlets shall take place in rabbit slaughterhouses and/or rabbit meat processing establishments constructed according to the technical and sanitary provisions of the adopted Federal regulations (9 CFR, Part 354).

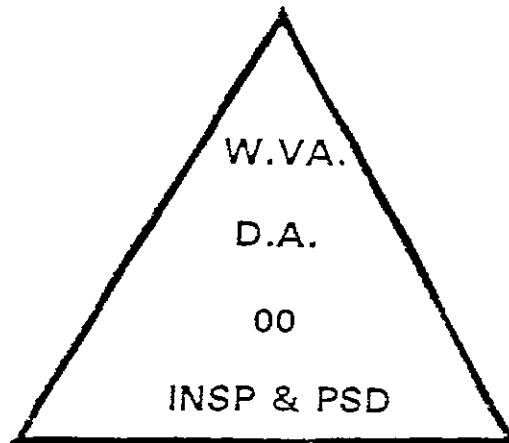
5.3 The slaughter of rabbits exempt from inspection as provided by section 7.3 of these regulations may take place at any commercial or custom slaughter establishment licensed by the Commissioner of Agriculture pursuant to the Code of West Virginia Chapter 19, Article 2B.

5.4 The slaughter and processing of nontraditional domesticated animals may be conducted at licensed establishments provided that the slaughter and processing operations are separated in time or space from slaughter and processing of cattle, swine, sheep, and goats. The carcasses of nontraditional, domesticated animals and products derived thereof shall be kept physically separated and properly identified to avoid any possibility of commingling products.

## §61-23D-6. Official Inspection Marks

6.1 Official Inspection Marks for Nontraditional, Domesticated Animals Carcasses and Products Derived Therefrom, Except for Rabbits.

6.1.1 The official inspection mark to be applied to inspected and passed carcasses and parts of carcasses shall be in the form of a triangle and arrangement as shown in the example below. The triangle side shall be approximately 2-1/2 inches (6.4 cm) long. It shall follow the wording: "West Virginia Department of Agriculture, Inspected and Passed", or its abbreviations as approved by the Director, Meat Inspection Division. The number of the establishment where the animal was slaughtered and/or prepared, shall be used in lieu of "00".



## 6.2 Official Inspection Marks for Rabbits.

6.2.1 The official inspection mark approved for use on inspected and passed rabbit products shall be in the form of a circle and arranged as indicated in the example below. The circle shall be 1-3/4 inches (4.5 cm) in diameter. It shall include the following wording: "Inspected for Wholesomeness by WV Department of Agriculture." The number of the establishment where the rabbits were slaughtered and/or prepared shall be used in lieu of "00".



## 6.3 Official Inspection Marks on Labels.

6.3.1 The inspection mark to be shown on labels need not be of the size illustrated above, provided that it is a sufficient size and of such color as to be conspicuously displayed and readily legible. The same proportions of letter size and boldness shall be maintained.

6.3.2 This inspection mark shall be applied by mechanical means and shall not be applied by a hand stamp.

6.3.3 The official inspection mark described in 6.1 and 6.2 shall also be used on shipping containers, bond labels, artificial casings, and other articles with the approval of the Director, Meat Inspection Division.

## §61-23D-7. Exemptions

7.1 These regulations shall not apply to white-tailed deer (*Odocoileus virginianus*) and all its subspecies.

7.2 These regulations shall not apply to nontraditional, domesticated animals which are slaughtered and/or processed and are not intended for sale in commercial outlets.

7.3 Up to one thousand (1,000) rabbits per calendar year at one establishment shall be exempt from antemortem, postmortem, and processing inspection, provided that the rabbits are slaughtered and/or processed at an establishment licensed by the Commissioner of Agriculture, and approved for rabbit slaughter operations.

### **§61-23D-8. Overtime and Holiday Inspection Service**

8.1 The management of a licensed establishment shall reimburse the Department for the cost of inspection service furnished on any holiday as specified in subsection 8.3 of this Section, or for providing more than forty (40) hours in any administrative workweek Saturday through Friday.

8.2 When a licensed establishment requires inspection service on a holiday or for more than eight (8) hours on any other day, it shall request the veterinary supervisor to furnish inspection during such period. The request shall be made at least seven (7) days before the holiday and at least two (2) days in advance of planned overtime.

8.3 Holidays shall be those specified in WV Code 2-2-1 et seq.

8.4 The Commissioner shall determine from time to time the rate for overtime and holiday services.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 61: Regulations Governing Inspection of Nontraditional Domesticated Animals

Type of Rule:  Legislative  Interpretive  Procedural

Agency West Virginia Department of Agriculture

Address 1900 Kanawha Boulevard, East

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

3. Objectives of these rules:

To fulfill the legislative authority contained in Chapter 19, Article 29 and promulgate regulations which will allow for inspection and marketing meat products derived from nontraditional domesticated slaughter animals such as buffalo, bison, and rabbits.

Rule Title: \_\_\_\_\_

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

n/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

C. Economic Impact on Citizens/Public at Large.

Date: \_\_\_\_\_

Signature of Agency Head or Authorized Representative

\_\_\_\_\_

## BRIEF SUMMARY

of the proposed regulations governing inspection of nontraditional, domesticated animals.

The new article Article 29 "Production of Nontraditional Agriculture Products" of Chapter 19 of the Code of West Virginia requires the West Virginia Commissioner of Agriculture to promulgate regulations on inspection of animals considered nontraditional. Thus, in order to fulfill the legislative authority, the attached proposed regulations are being filed.

The regulations propose adoption by reference of the existing regulations of the United States Department of Agriculture, Food Safety and Inspection Service. The Federal regulations use the term "exotic animals" in reference to the animals which in our state law are termed "nontraditional". It is also proposed that the Federal regulations on rabbit inspection are adopted and incorporated into our regulatory system.

The Department of Agriculture has been approached by several individuals and two groups of businessmen seriously interested in construction of large rabbit slaughterhouses. Another one has already initiated slaughter of buffalo for commercial purposes. Thus, in order to create legal conditions for inspection of such animals, the proposed regulations are submitted.

Robert Morris, Assistant Commissioner of Agriculture