

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY WV Code Chapter 19, Article 29

AMENDMENT TO AN EXISTING RULE: YES  NO

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: Inspection of Nontraditional  
Domesticated Animals

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
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**Title 61  
Legislative Rules  
Department of Agriculture**

**FILED**

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

**§61-23D-1. General**

1.1 Scope - Rules governing inspection of nontraditional domesticated animals such as antelope, bison, buffalo, deer, elk, reindeer, and rabbit and edible products derived from these animals are established in order to implement the requirements of WV Code §19-29-1 et seq. "Production of Nontraditional Agriculture Products". WV Code § 19-29-4 authorizes the Commissioner of Agriculture to promulgate regulations to provide inspection of such animals, meat, and meat products.

1.2 Authority - WV Code §§19-29-1 and 4

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 incorporated by reference in this rule with the exception of sections 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 of the regulations which are not incorporated.

**§61-23D-3. Definitions**

3.1 Definitions in the incorporated parts of the Federal regulations (9 CFR, Parts 352 and 354) are amended to read as follows:

3.1.1 "The Act" means the WV Code §19-29-1 et seq.

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

3.1.3 "Secretary" means the Commissioner of Agriculture.

3.1.4 "Administrator", "Regional Director", and "Area Supervisor" mean the Director of the Meat Inspection Division of the West Virginia Department of Agriculture.

3.1.5 "The Food Safety and Inspection Service", "Service", and "Program" mean the Meat Inspection Division of the West Virginia Department of Agriculture.

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

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

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

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

#### **§61-23D-4. The Place of Slaughter and Processing of Nontraditional, Domesticated Animals**

4.1 The slaughter and processing of nontraditional, domesticated animals may take place at any commercial establishment licensed by the Commissioner of Agriculture pursuant to the West Virginia Code §§ 19-2B-1 et seq.

4.2 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 incorporated Federal regulations (9 CFR, Part 354).

4.3 The slaughter of rabbits exempt from inspection as provided by section 6.3 of this rule may take place at any commercial or custom slaughter establishment licensed by the Commissioner of Agriculture pursuant to the WV Code §19-2B-1 et seq.

4.4 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 the slaughter and processing of cattle, swine, sheep, and goats. The carcasses of nontraditional, domesticated

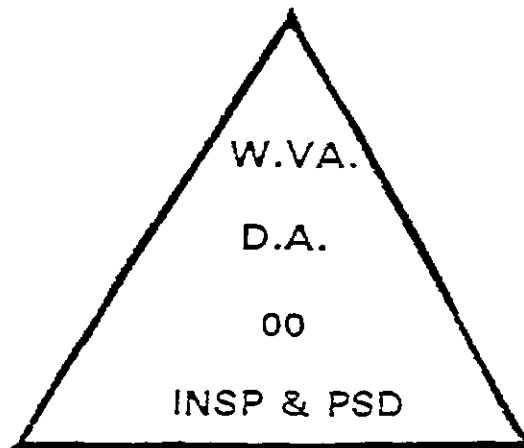
animals and products derived from these animals shall be kept physically separated and properly identified to avoid any possibility of commingling products.

### **§61-23D-5. Official Inspection Marks**

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

5.1.1 The official inspection mark shall be applied to inspected and passed carcasses and parts of carcasses by the authorized employee of the West Virginia Department of Agriculture or a plant employee working under his or her direct supervision.

5.1.2 The official inspection mark shall be in the form of a triangle and arrangement as shown in the example in this subdivision. 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 of the Meat Inspection Division. The number of the establishment where the animal was slaughtered and/or prepared, shall be used in lieu of "00".



## 5.2 Official Inspection Marks for Rabbits.

5.2.1 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 in this subdivision. 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".



## 5.3 Official Inspection Marks on Labels.

5.3.1 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.

5.3.2 This inspection mark shall be applied by the licensed establishment using mechanical means and shall not be applied by a hand stamp.

5.3.3 The official inspection mark described in subsections 5.1 and 5.2 of this rule shall also be used on shipping containers, bond labels, artificial casings, and other articles with the approval of the Director of the Meat Inspection Division.

## §61-23D-6. Exemptions

6.1 This rule shall not apply to white-tailed deer (*Odocoileus virginianus*) and all its subspecies.

6.2 This rule shall not apply to nontraditional, domesticated animals which are slaughtered and/or processed and are not intended for sale in commercial outlets.

6.3 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-7. Overtime and Holiday Inspection Service**

7.1 The management of a licensed establishment shall reimburse the Department for the cost of inspection service furnished on any holiday as specified in subsection 7.3 of this Section, or for providing more than forty (40) hours in any administrative workweek Saturday through Friday.

7.2 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.

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

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

