

West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner

Amie Minor-Richard, Deputy Commissioner



June 30, 2026

Mr. Harold Peterson

Harold.peterson2@gmail.com

Dear Mr. Peterson:

Thank you for your comment on the West Virginia Department of Agriculture's legislative rule §61CSR04B Frozen Desserts and Imitation Frozen Desserts.

The West Virginia Department of Agriculture (WVDA) has enforcement and education opportunities available to firms before a summary suspension is issued. All firms that are assessed a "Third Notice" are under a mandatory 24-hour shutdown order for which the firm must stop operation of all violative machines and are also assessed a fee of \$100.

All firms are given the opportunity for a validation of cleaning procedure (VCP), as WVDA works to help our firms in the state before we shut businesses down, as WVDA doesn't see our violative firms as criminals, but does have the authority to assess an Immediate Shut-Down order at any time without giving the manufacturer the opportunity to be heard and has done so in the past for egregious violations that pose an immediate risk to the public.

Again, we appreciate your comments.

Sincerely,

A handwritten signature in purple ink that reads "Amie Minor-Richard".

Amie Minor-Richard

Deputy Commissioner

AMR/jfm