

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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1987 AUG 13 PM 2:19

SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY W.Va. Code 19-9-2

AMENDMENT TO AN EXISTING RULE: YES NO

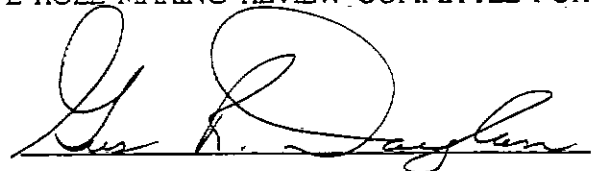
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series I

TITLE OF RULE BEING AMENDED: Animal Disease Control

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



PUBLIC HEARING

FILED

1987 AUG 13 PM 2:19

RULE TITLE: Animal Disease Control
Series I

SECRETARY OF STATE

DATE: July 28, 1987

TIME: 1:30 p.m.

PLACE: WV Department of Agriculture
J. T. Johnson Conference Room

Hearing conducted by John D. Perdue, Assistant Commissioner of
Agriculture.

In attendance:

Mr. John Tolarchyk representing United Press International,
Charleston, West Virginia.

Dr. Lewis Thomas, Director of Animal Health Section of the West
Virginia Department of Agriculture and State Veterinarian; address: WVDA,
State Capitol Building, Charleston, WV 25305.

Dr. Thelma Njaka, Assistant Director of Animal Health Section of the
West Virginia Department of Agriculture and Assistant State Veterinarian;
address: WVDA, State Capitol Building, Charleston, WV 25305.

Mr. Noah Perry, Administrator of the Animal & Plant Industries
Division of the West Virginia Department of Agriculture; address: WVDA, State
Capitol Building, Charleston, WV 25305.

Mr. Robin Moss, Duplicating Equipment Operator II; address: WVDA,
Communications Office, Capitol Building, Charleston, WV 25305.

Mrs. Janet L. Fisher, Secretary; address: WVDA, Executive Division,
Capitol Building, Charleston, WV 25305.

TRANSCRIPT OF HEARING

Hearing was called to order at 1:30 p.m. by Mr. Perdue:

The purpose of this hearing is to discuss the limitations on the import of dogs and cats into West Virginia as an amendment and second the health requirements of birds to be imported or exhibited at fairs, festivals or shows. I would like to note that we have present from the staff of the Department of Agriculture Dr. Lewis Thomas, Director of the Animal Health Section and State Veterinarian, and Dr. Thelma Njaka, who is the Assistant Veterinarian in the Animal Health Section, and Mr. Noah Perry, the Animal and Plant Industries Division Administrator.

We will first open with comments and let Dr. Thomas explain the dog and cat amendment.

DR. LEWIS THOMAS: Thank you Mr. Perdue. The proposal here today is to consider changing the regulations on the importation of dogs and cats into West Virginia, changing it to make it compatible with the newly passed law by the legislature which passed on March 13, 1987 and was to be in effect 90 days from passage. Under the old law the dogs were to be vaccinated when they reached the age of 5 months. This new law says that they must be vaccinated by the time that they reach 6 months of age so therefore our limitation on the importation of dogs and cats in prior years said that if the dog or cat was over 5 months of age it should be vaccinated. What we are proposing here is to consider changing it so that it will be compatible with the newly passed law and this would require an amendment saying that if a dog or cat is over 6 months of age that has been immunized against rabies not more than 12 months prior to shipment, dogs and cats under 6 months of age are exempt from the rabies requirement. Thank you Mr. Perdue.

JOHN PERDUE: Dr. Thomas, have there been any written communications concerning this amendment?

DR. THOMAS: Our office, Mr. Perdue, has not received any written communications concerning this proposed change.

JOHN PERDUE: Is there anyone else here today who wishes to speak concerning this amendment change?

(THERE WAS NO RESPONSE.)

JOHN PERDUE: O.K. There are no other comments so we will now proceed to the second new adoption of health regulations for birds to be imported or exhibited at the fairs, festivals or shows. I will ask Dr. Njaka to explain these new proposed rules.

DR. THELMA NJAKA: Thank you Mr. Perdue. These new regulations are proposed in order to bring West Virginia in line with the surrounding states and with the National Poultry Improvement Plan regulations which states that all birds exhibited at fairs, festivals or shows must be apparently healthy and checked for pullorum/typhoid.

JOHN PERDUE: Have there been any written communications on these new proposed rules?

DR. NJAKA: Only from the Extension office; we got correspondence from them giving their support.

JOHN PERDUE: They are giving their support to the new rules and regulations?

DR. NJAKA: Yes.

JOHN PERDUE: Are there any other comments concerning the changes to the rules and regulations?

(THERE WAS NO RESPONSE.)

JOHN PERDUE: Since there have been no other communications pro or

con, written or spoken at this hearing we will leave it open for another 10 calendar days before temporary approval is confirmed and at that time we will file emergency regulations to make final approval.

If there is no further discussion, this hearing is now adjourned.

BRIEF SUMMARY OF AMENDMENT TO
ANIMAL DISEASE CONTROL
SERIES I, Section 7

The proposed change in the regulation on importation of dogs and cats into West Virginia would make the regulation compatible with the law passed by the 1987 Legislature.

As it now stands, dogs and cats in West Virginia must be vaccinated for rabies at six months of age. Dogs and cats imported into West Virginia must be vaccinated at five months of age. This is a discrepancy for which there is little in the way of a justifiable reason, and borders on being unconstitutional. This change should be considered immediately.

BRIEF SUMMARY OF AMENDMENT TO
ANIMAL DISEASE CONTROL
SERIES I, Section 10

The adoption of this regulation will close and monitor a breach in the present regulation. The present regulation requires that poultry imported into West Virginia be pullorum-typhoid free. There is presently no means of monitoring those birds hatched in West Virginia. This regulation will require that birds not known to be from pullorum-typhoid free flocks be tested prior to exhibition. The required testing of these birds will close a loophole through which a threat to the poultry could pass.