

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2  
Series Ib  
1965

Subject: ANIMAL DISEASE CONTROL DIVISION  
Feeding of Untreated Garbage to Swine

---

Section 1 -GENERAL

1.01 Scope. These regulations establish general operating rules and procedures in the Animal Disease Control Division.

1.02 Authority. These regulations are issued under authority of Chapter 19, Article 9a, Code of West Virginia.

1.03 Effective Date. These regulations are promulgated October 1, 1963 and become effective November 1, 1963.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on

1.05 Certification. These regulations are certified authentic by the Secretary of State on

Section 2 -DECLARATION OF POLICY.

2.01 Chapter 19, of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article nine-a, relates to the feeding of untreated garbage to swine.

2.02 Article nine-a, Chapter 19, of the Code of West Virginia provides that it shall be the duty of the Commissioner and he shall have authority to promulgate rules and regulations to govern and control the feeding of garbage to swine.

2.03 By virtue of authority vested in me as Commissioner of Agriculture of the State of West Virginia by Article nine-a, Chapter 19, of the Code of West Virginia 1963, I, J.T. Johnson, Commissioner of Agriculture of the State of West Virginia, do hereby promulgate the following rules and regulations to govern and control the feeding of garbage to swine.

Section 3-ARTICLE 9-a, FEEDING OF UNTREATED GARBAGE TO SWINE.

3.01 Definitions. The following words shall have the meanings ascribed to them in this section, unless the context otherwise requires or a different meaning is specifically prescribed:

(a) Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods including animal carcasses or parts thereof.

(b) Persons means the State, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity.

(c) Commissioner means the State Commissioner of Agriculture or his authorized agents.

3.02 Permit for Feeding Garbage to Swine:

(a) No person shall feed garbage to swine until he has applied to the Commissioner for a permit to do so; has secured said permit and has properly posted it on his swine feeding premises before the first day of July, one thousand nine hundred sixty-three and annually thereafter before the first day of July of each succeeding year. No permit issued by the Commissioner to feed cooked garbage shall be transferable. The fee for obtaining such permit shall be five dollars.

(b) This article shall not apply to any person who feeds only his own household garbage to swine which are raised for such person's own use.

3.03 Application for Permit: Any person required to obtain a permit to feed garbage to swine or to renew the same shall make written application therefor to the Commissioner on forms provided by the Commissioner.

3.04 Revocation of Permit: Upon determination by the Commissioner that any person holding such permit, or who has applied for a permit hereunder, has violated or failed to comply with any of the provisions of this article, or any of the rules or regulations promulgated thereunder, the Commissioner may revoke such permit or refuse to issue a permit to such applicant.

3.05 Cooking or Other Treatment: All garbage regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least 212° F. for at least thirty minutes, unless treated in some other manner which shall be approved in writing by the Commissioner as being equally effective for the protection of public health and control of livestock diseases.

3.06 Inspection and Investigation; Maintenance of Records:

(a) Any authorized representative of the Commissioner shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine.

DEPT OF AGRI

(b) The Commissioner may require maintenance of records relating to the operation of equipment for and procedure of treating garbage to be fed to swine, and any authorized representative of the Commissioner may examine all records or memoranda pertaining to the feeding of garbage to swine. Copies of such records shall be submitted to the Commissioner upon request.

(c) The Commissioner after receiving an application for a permit to feed cooked garbage to swine or to renew the same may cause an investigation to be made of the garbage feeding premises of the applicant, and all his equipment used for heating and treating garbage, to ascertain whether or not the premises and equipment are suitable and adequate. If it is found that the premises or equipment are inadequate for the heating, treating or feeding of garbage to swine, he may withhold any permit until the applicant has provided adequate facilities.

(d) All premises and equipment that are used for cooking and feeding garbage shall be kept in a sanitary condition.

3.07 Interstate Movement of Swine Fed Uncooked Garbage: It is hereby prohibited, and no swine shall be imported into this State that have been fed or had access to uncooked garbage. All persons, firms, corporations, partnerships or associations, or employees of the same who operate a public market, concentration point, pickup station or any other kind of business where livestock is bought, sold, traded or received for resale, whether licensed by the Commissioner or not, shall not receive

for resale, buy, sell or trade in any manner whatsoever any swine that they have reasons to believe have been fed or had access to uncooked garbage.

3.08 Penalties: Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by, this article, or who violates any rule or regulation promulgated thereunder shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. In addition thereto, such person may be enjoined from continuing such violation. Each day upon which such violation occurs shall constitute a separate violation of this article.