

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED

1991 JUN 26 AM 8:58

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

- NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WEST VIRGINIA DEPARTMENT OF AGRICULTURE TITLE NUMBER: 61

RULE TYPE: LEGISLATIVE; CITE AUTHORITY 19-9-34A

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: 1A

TITLE OF RULE BEING PROPOSED: Disposal of Dead Poultry

DATE OF PUBLIC HEARING: AUGUST 1, 1991 TIME: 10:00 am

LOCATION OF PUBLIC HEARING: Agriculture Building

Moorefield Industrial Park

Moorefield, WV 26836

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Marketing & Development Div.

WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

State Capitol

Charleston, WV 25305

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



FISCAL NOTE FOR PROPOSED RULES

Rule Title: DISPOSAL OF DEAD POULTRY FILED

Type of Rule: Legislative Interpretive 1991 JUN 26 10:58 AM

Agency WVDA Address _____

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations		SEE NUMBER 2 BELOW			
Equipment					
Other					

2. Explanation of above estimates:

This rule has no revenue effect

3. Objectives of these rules:

To develop environmentally and economically acceptable methods for the disposal of dead poultry.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

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

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date:

June 26, 1991

Signature of Agency Head or Authorized Representative

Chris B. Smith

WEST VIRGINIA LEGISLATIVE REGULATIONS
WEST VIRGINIA DEPARTMENT OF AGRICULTURE
CHAPTER 19-9, SERIES 1
DISPOSAL OF DEAD POULTRY

FILED
JUN 26 AM 8:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

=====
Regulations for the disposal of dead poultry establish definitions and procedures which allow farmers growing poultry or other domestic fowl for commercial purposes to dispose of birds in environmentally and economically sound methods. These methods include incineration, composting and rendering.

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-9
SERIES I

FILED
1991 JUN 26 AM 8:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Disposal of Dead Poultry

§61-1-1. General.

1.1 Scope - These regulations establish rules for the regulation of the disposal of dead poultry and other domestic fowl by persons, firms or corporations engaged in growing poultry or other domestic fowl for commercial purposes.

1.2 Authority - W Va. Code 19-9-34A

1.3 Filing Date -

1.4 Effective Date -

§61-1-2. Definitions.

2.1 "Poultry" means all chickens, ducks, turkeys, or other domestic fowl being kept or raised for profit.

2.2 "Dead poultry" means all poultry excluding those intentionally slaughtered, which die as a result of disease, injury or of natural causes.

2.3 "Person" means any person, firm, partnership, corporation, or institution which engages in the raising or keeping of poultry for profit. Person is further defined as the grower of the poultry regardless of ownership.

2.4 "Raising or keeping of poultry for commercial purposes" means the raising or keeping of 200 or more poultry at one time for the purpose of sale of such poultry or the eggs produced therefrom.

2.5 "Incinerator" means a firebox constructed of masonry or metal in which dead poultry is completely burned by the use of fuel.

2.6 "Composting" means a natural process in which beneficial microbes reduce organic waste (dead poultry) into a biologically safe by-product which is capable of being recycled in the agriculture industry. A composter is a unit constructed of concrete or treated wood located under a roofed structure. A typical unit will contain two treatment areas. A primary treatment area may consist of one or more compartments. The secondary treatment area will be one compartment that will receive partially composted material from the primary treatment areas. Material in the primary treatment area is moved to the secondary area when it has reached a peak temperature (140 to 160 degrees fahrenheit after

seven to ten days). The composting process is complete when the temperature in the secondary treatment area has reached peak temperature (140 to 160 degrees fahrenheit after seven to ten days).

2.7 "Rendering" means the treatment of dead poultry by steam treatment or by cooking at an approved commercial rendering plant, for a sufficient time to effectively destroy the product for human food purposes and to preclude dissemination of disease through consumption by animals. Dead poultry intended for disposal by rendering shall be picked up by or delivered to the rendering company within 24 hours of death or be refrigerated below 40 degrees fahrenheit pending pickup or delivery. All dead poultry for rendering shall be held in a container that is leak proof, fly proof, and pet and wild animal proof.

§61-1-3. Rules and Regulations Pertaining to the Disposal of Dead Poultry.

3.1 It shall be unlawful for any person engaged in the raising or keeping of poultry for commercial purposes to dispose of, or cause to be disposed of, dead poultry in any manner except in an incinerator and/or by composting and/or through rendering. These methods of disposal must comply with the definitions provided herein.

3.2 For protection of public and animal health, the Commissioner of Agriculture may authorize disposal by methods other those prescribed in this regulation in instances of serious disease outbreak, abnormal death losses, flock depopulation or other emergency situations.